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To Thomas Ralph Esquire

LETTERS,

from T. R.

FROM AN AMERICAN LOYALIST

IN

UPPER-CANADA,

TO

HIS FRIEND IN ENGLAND;

ON A PAMPHLET PUBLISHED BY

JOHN MILLS JACKSON, ESQUIRE :

ENTITLED,

A VIEW

OF

THE PROVINCE

OF

UPPER CANADA.

Price 1s. 6d. Halifax.



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LETTERS,
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FIRST LETTER.



FOR you who were heretofore so well acquainted with, and so partial to Upper Canada, it is natural enough to ask, what Changes can have taken place there to warrant such a production as the Letter addressed to LORD CASTLEREAGH, by Mr. JOHN MILLS JACKSON, entitled "*A View of the Province of Upper Canada ?*" Calm your Anxiety however my good Friend, for I can confidently assure you, that no such Changes have taken place. Under an Epitome of the English Constitution, we enjoy the greatest practical political Freedom. In full possession of the Criminal Law of England, including the Habeas Corpus, and the benefit of Trial by Jury in all Cases ; Personal liberty can be no where better protected, nor Property better secured. In no Country is Property so easy to be

acquired ; no where is Labour so well rewarded ; how then you will say, is the Publication in question to be accounted for ? This will be fully explained hereafter : in the mean time, I have no hesitation to assert, that it is a tissue of misrepresentation and falsehood The Author is at best, but ill informed on the subject of which he professes to treat ; besides, it was his purpose, not to give correct information, but to work mischief ; and in pursuance of this charitable Design, he has obtruded upon the Public, calumnies as gross as ever sprung from the malice of a disappointed Faction. His statements can deceive nobody who knows the Country. So conscious are he and his Associates of this, that, though they are known to correspond regularly, and frequently, with some of their former Coadjutors here ; they have not thought it adviseable to transmit a single copy of this notable Performance, even to their Bosom-Friend, the Author of the Guardian. The very few which have reached us, have come through quite a different channel. Their object is to make an Impression on your side of the Atlantic, where the Subject can be but imperfectly understood ; and where the Author's factious machinations being unknown, it will not be readily suspected, that a man decently connected, would have the effrontery to set his name to a Publication in which Candour and Veracity are outraged in every page. It is impossible however, that His Majesty's Ministers can be imposed upon

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upon by the Publication in question. To say nothing of the official Details regularly laid before them, the Legislative Proceedings of the Province, which are annually transmitted for their inspection, are sufficient to prevent any impression from it, in that quarter. Our Statute Book contains evident marks of a cordial co-operation between the Governor and the People, through their Representatives. And he has as little influence in the choice, or upon the conduct of these Representatives, as the most thorough paced Democrat could wish. But, as it may be of some advantage to the Colony, that the good People of the United Kingdom at large, should be disabused with regard to it, I shall in a series of letters which I shall address to you from time to time, discuss the several subjects adverted to by Mr. Jackson ; and should you think them calculated to answer this purpose, you may give them to the Public. In the mean while, permit me to give you a correct summary of the situation of this Colony, extracted from an address delivered by a Friend of mine, on a late Public occasion. Could you have witnessed the expressions of loyalty and gratitude, which burst from his numerous hearers, while their Hearts glowed assent to the truth of this animated Sketch, you would have required no other confutation of Mr. Jackson's View. "(You Gentlemen, will I am confident, feel
 " on the occasion as honest men and loyal subjects
 " ought to feel ; indignant at the enemies of your
 " Country,

" Country, and resolutely determined to support
 " her Cause.) " Independent of the common
 " though powerful ties that bind every man to his
 " Country ; independent of the generous pride
 " that must glow in the Breast of every man to
 " be numbered among a Nation so renowned as
 " Britain ; She has peculiar claims to the gratitude
 " and attachment of the Inhabitants of this Pro-
 " vince. We possess from her Bounty a Soil of no
 " common fertility, which furnishes in abundance
 " every necessary of life. We live in the most un-
 " bounded security of our persons and property,
 " without being at any charge for our Judicial Es-
 " tablishment. We enjoy every benefit of the best
 " regulated Government, without being called on
 " to defray any part of its expence. Every advan-
 " tage which men can derive from Civil Society,
 " hath been lavished upon us, while we have been
 " exempt from all its burdens :—These, are Bene-
 " fits conferred on us alone, and cold and worth-
 " less must be the Heart on which, they fail to make
 " an impression !"

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 SECOND LETTER.

BEFORE I proceed to analyze Mr. Jackson's Pamphlet, as I proposed in my first letter, it will be proper to give some account of the Faction of which, Mr. Jackson has condescended to become the Tool! The Founder of this Faction, was Mr. Wm. Weekes, an Irish Attorney. The manner of his coming to America, and his motives for emigrating, are not known. After stopping for two years at New York, to glean Law, and improve his Political Principles, under the celebrated Aaron Burr, he came into this Province a needy Adventurer, and was incautiously admitted to the Bar. He began his career by taking an active part in the election of Mr. Justice Allcock, in 1801. Under pretence of a Riot, which was a mere sham of his own, he procured the Poll to be closed just at the critical moment when the Judge had a small majority; and Mr. Allcock was in consequence, returned a Member of the House of Assembly: Mr. Weekes took it into his head to suppose that this was a Government-Job, and that, he should be handsomely rewarded for this piece of Electioneering Dexterity. In this he was mistaken. Mr. Allcock was proposed as a Candidate, because his education and professional knowledge, might make him an useful member in the House of Assembly;

sembly ; but the Government had not, nor could have, any particular interest in his having a Seat there. Frustrated of the reward with which he had flattered himself for his officious interference ; and which he had the effrontery to claim in the most indecent manner ; and finding that the Government had no dirty Jobs for him to do, he determined that his talents for this kind of business, should not be unemployed. The violent and gratuitous Instrument in violating the rights of suffrage was immediately transformed into a zealous Demagogue ; and by practising in the usual way, upon the ignorance and credulity of the People, he became in about two years the Representative of those very Electors whose franchises he had so glaringly violated. Such are the fascinating effects of the mask of Patriotism, however clumsily put on. In the interval, a most extraordinary circumstance took place: Mr. Weekes one night suddenly disappeared ; a man and woman who kept his House, were taken up, and imprisoned on suspicion of having murdered him. In about a fortnight, however, he emerged from the woods, half naked, and almost starved : and this mysterious Wandering, can be accounted for only from mental Derangement. Such was the man, whom the majority of the Electors of the Counties of York, Durham, and Simcoe, delighted to honour !

While he was thus in his glory as a Representative of the People, exerting himself to the utmost to excite in the other members of the House, Distrust and

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and Jealousy of the Government, and using every means to disseminate the same Sentiments among the People at large. Mr. Justice Thorpe came to the Province to fill a vacancy which, the untimely death of the amiable and respectable Mr. Justice Cochran had made, in the Court of King's Bench. Had his vocation been to revolutionize the Province, a fitter Instrument could not have been found. How he came to be selected as one of its Judges, is matter of astonishment ! From his first entrance into the Province, he shewed a disposition to interfere with, and dictate to every Department ; and stated himself, as the only Person to be looked up to by the People for obtaining their just Rights. Minds so congenial as his and Mr. Weekes's, were not long in forming the most intimate union. Under the casual and feeble Administration of Mr. President Grant, upon whom, as senior Councillor, it had devolved on the demise of Gen. Hunter, he urged his friend to push the House of Assembly to the most unwarrantable Proceedings. In contempt of Public Decorum, he was within the Bar of the House openly prompting Mr. Weekes and his Partisans, when they appeared at a loss in their violent proceedings ; and when the Clerk of the Executive Council excused himself on account of his Oath from answering some questions that were put to him, Mr Thorpe rose, and unasked, declared to the House that he could be compelled to answer ; and had the wickedness and effrontery to cite Lord

Stafford's case. — Even in the exercise of his Functions as a Judge, he encouraged Mr. Weekes in the most indecent aspersions against the Government, however irrelevant to the Cause before him : engaged him to compose Addresses for Grand Juries reflecting on the Conduct of the Government, that he might himself have an opportunity in reply, to revile from the Bench, that Authority which, it was his duty to support : on account of conduct resembling rather that of a public Incendiary, than a Judge, it was thought prudent by the Governor, to prevent him from going on the Circuit a second time ; and he was in 1807, recalled by His Majesty's Ministers.

Mr. WYATT, sent out in 1805, as Surveyor General of the Province, united himself most intimately to this worthy pair. While they were under Mr. Grant's Administration attempting to urge the House of Assembly to make the most extravagant pretensions, he prated about the *Omnipotence* of that Body, and to aid the seditious Purposes of his Associates, obtruded upon the House the Official Transactions of his Department. He permitted Mr. Weekes to make garbled extracts from Documents in his Office, for the purpose of throwing obloquy on the Government ; and after the Accession of Lieut. Governor Gore, he allowed himself to be so wrought upon by his friend Mr. Thorpe, as to set him at open Defiance, and refuse obedience to his orders. He was in consequence sus-
pended

pended by the Lieut. Governor from the exercise of his official functions ; and returned to England denouncing vengeance against him and his Council.* About the time of his departure, it was discovered that he had surreptitiously obtained a grant of a lot of Lands, which, a man with a large family had been settled upon for twenty years, and on which he had made large improvements.—His Title, tho' not strictly legal in point of Form, was perfectly equitable ; and the Lot was held by him under Assignment from the Person it had been originally located to, by competent Authority. Solicited in behalf of this man, whose property was thus at stake, he promised to leave the Grant behind him, and refer the matter to the equitable decision of Friends. But such promise was not performed ; and he has since taken steps to get possession of the Land, by ejectionment.

In company with Mr. Wyatt, departed John M. Jackson Esq. who had resided about a Year and a half in the Province. This Gentleman had, I believe, previous to his departure from England, purchased some Lands near the Seat of Government, on part of which, he expended a considerable sum of money in the prosecution of some injudicious project which, the want of Funds, or conviction of its futility, made him fain to abandon. From his first arrival in the Province, he was on all occasions declaiming on the oppression suffered by the

* Mr. Wyatt has since been dismissed His Majesty's Service.

People of England ; and laboured to persuade the people around him, that subordination was slavery. Such a man, would naturally assimilate with Messrs. Weekes, Thorpe & Wyatt — He accordingly soon became one of their most intimate and active Associates ; and though he had not like some of his friends, the publicity of the House of Assembly, or the Courts of Justice, for his acrimonious Strictures upon the Government, he was as free of them as his Coadjutors could wish on all occasions when they would be listened to. That an application for a Grant of Land, from a Person of this cast, should be refused, will not be wondered at :—But, such refusal probably, sharpened his resentment against the Colonial Government ; and, added to the hatred rankling in his Breast, from the di-appointment of the Faction in their meditated Political Innovations, has stimulated him to become the Public Champion of the Leaders of that Faction with the People of England ; and the organ of as much Calumny and misrepresentation, as ever soiled an equal quantity of paper.

Though last, not least among this knot of Worthies, is Mr. Joseph Willcocks :—This Gentleman, left Ireland, his native Country in _____ and came hither, to seek his Fortune. In this he would have been successful, could his turbulent Spirit have submitted to the ties of duty, or even interest. For though discarded by his first Patron for no very honourable conduct, he was employed and patronized by _____

by the late Chief-Justice Allcock. Through his influence, he was appointed Sheriff of the Home District, an office worth at least, £ 300 a year. The respectability and emolument of this Situation might, one would suppose, have been an object to a man of pretensions superior even to Mr. Willcocks ; and sufficient to have bound even him, to the support of the Government from which it was derived. But, whether impelled by former Habits to cabal against the Government ; or, led by the example of his countrymen Weekes, and Thorpe, to seek distinction by a Course very different from that of official duty : certain it is, that he entered into all their Schemes with ardour, and as a necessary consequence, lost his Appointment. He immediately after, set up a Printing-Office at Niagara, from which, have continued to issue the most scandalous Libels against the Governor, and other respectable persons connected with the Government : yet, so imposing is the very Caricature of Patriotism upon certain classes of the Community, that Mr. Willcocks, has obtained a seat in the House of Assembly.---This Gentleman is, in his own Person, a striking proof of the falsity of Mr. Jackson's rant on the subject of arbitrary Imprisonment. The impunity with which this Libeller has hitherto held his career, is the only stigma that can be cast upon the administration of Justice in the Colony. It is true that, he has by the House of Assembly been committed to Prison, for a Libel on them. But, this summary Justice, exercised over one of their
own

own Members, is no exception to my general assertion. He still keeps up a correspondence with his *departed* Friends, and I see his *respectable* Paper, the Guardian, is quoted, and *honourably mentioned* by his fellow-labourer, Mr. Jackson.

'Till we had the misfortune to be visited by these Gentlemen, the Voice of Faction was not heard amongst us.—The Sketch, which I have here given you of them, is necessary for elucidating the Work now under Review; and as I shall necessarily be led to speak of them frequently, as I proceed with it; I shall take leave of them for the present.

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 THIRD LETTER.



WHEN Narrators of the marvellous begin by prefacing their wonderful Stories, with solemn asseverations of their own veracity, that circumstance is in itself sufficient to induce suspicion of their credibility. This incidental remark might hence have been spared, for with the clue which I have given you in my preceding letter, you will be able to trace Mr. Jackson's motives to a Source less pure than that Public Spirit, of which, he so loudly boasts. But let us proceed to examine his Statements, somewhat in detail.

It would be supposed by those who knew nothing of the subject but what they learnt from Mr. Jackson, that the settling of Upper Canada was not thought of, till trial had been made of the Bahamas, and Nova-Scotia ; and that it had been appropriated for the accommodation of those who had, on experiment, found those Countries unfit for cultivation. The fact is, that the settlement of the Country now Upper Canada, was begun immediately after the American War ; that not only the Loyalists who had originally taken refuge in the Province of Quebec, but a considerable number, who preferring this country to Nova Scotia, or the Bahamas, came hither on the evacuation of New-York, in 1783 ; as well as
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the 2d Battalion of the 84th Regiment, and some British and German Soldiers who were discharged, and desirous of remaining in the Country, had lands assigned them here ; and the whole country from the head of the Bay of Quinty, to the Point of Boudet, an extent of two hundred miles, was occupied by Settlers of this description. The Loyalists composing Butler's Rangers, and those attached to the Indian Department, were at the same time settled in the neighborhood of Niagara, and on the East side of the Detroit River. The flourishing state of these Settlements, which spread over so large a tract of Country, had prospered beyond the expectation of the most sanguine, induced the Government of England in 1791, to form it into a separate Province, and give them a distinct Government, as best calculated still further to promote their prosperity. But, this Arrangement, had certainly no reference to the Loyalists who had preferred Nova Scotia, or the Bahamas, for whose comfortable establishment, in those old British Colonies, every provision had been made. Several Families have indeed of late years, emigrated hither, from Nova Scotia, but their number is not very considerable ; and very few, if any, have come from the Bahamas.

In the Beating-orders of the 84th Regiment, which was to be raised in America, and to serve during the American War, a promise was made, that those who would enlist in that Regiment, should have Lands granted them on their being disbanded, in the same proportion

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proportion as they had been granted to Officers and Soldiers disbanded at the Peace of 1763. But this is the only instance in which, Lands were promised to any body of Men who served in the American War ; and as it had important consequences on the general distribution of lands in this Province, I shall have occasion to refer to it hereafter. To say as Mr. Jackson does, that, " in the American Contest the object to animate, compensate, and reward all such as came within the British Lines, was Land," is to expose his own Ignorance, and degrade the American Loyalists into a set of needy Adventurers, in quest only of Pay and Plunder. The truth is, that the generality of these gallant men, so little known, and so much undervalued by their pretended Advocate, were men of Property ; and some of them the greatest Landholders in America. They were animated by no mercenary views. They contended for the constitutional Rights of the Crown, and the supremacy of Parliament, which they had been taught to revere, and which they considered as co-extensive with the British Dominions ; and hesitated not to hazard their lives and fortunes in the attempt to put down Rebellion, and preserve the Unity of the Empire.—The result was unfortunate ; and a generous Sovereign and Nation, thought themselves obliged to provide them not only an Asylum, and grant them a portion of the Waste Lands of the Crown, but to make them pecuniary compensation for the Fortunes which they had sacrificed in their Cause.

The large Sums of Money granted by Parliament, and the arrangements made for carrying into effect this pecuniary remuneration, will be remembered to the Honour of Britain, while national Liberality shall excite Applause among mankind. But, as these make no part of the present discussion, I must be content to follow Mr. Jackson to the distribution of Lands under the Authority of the Crown.

By the King's Instructions to Sir Guy Carleton, and Admiral Digby, every person of the Rank of Field Officer, was to have 1000 Acres; Captains 700; Subalterns 500; Privates 100, with a further allowance of 50 Acres for every Woman, and Child; and Provisions were directed to be issued to the Settlers, for the first three years.—That part of the 84th Regiment, which was disbanded in this Country, not content to be included in this general distribution, claimed a much larger proportion in virtue of their Beating-Orders. As Sir Frederick Haldimand, who was then Governor, hesitated; they applied to the King's Ministers, who thought themselves bound to confirm a promise however incautiously made, that had the sanction of the Minister of the day; and that Regiment in consequence, became entitled to 5000 Acres for Field Officers, 3000 for Captains, and 2000 for Subalterns. Lord Dorchester, who succeeded Sir Frederick Haldimand in the Government, upon application made to him by the different Provincial Corps, directed the Loyalists and other Troops to be put upon the same footing as the 84th Regiment,

Regiment, by an Order in Council dated in 1788. Under a previous Order of his Lordship in Council, a further Allotment of 200 Acres was directed to be made to every Settler who had improved his original location ; and it was further ordered under the same respectable Authority, that, the Children of such Loyalists as were then settled in the Country, should on their coming of age, be entitled to 200 Acres. The Patents for all these were to be given free of expence, and the Government took upon themselves to remunerate the Officers concerned in passing the Grants ; and they were paid from the public Coffers one half of the usual Fees on such Grants. About the Year 1788, it was represented to Lord Dorchester, that, there were still many persons in the American States, attached to His Majesty's Person and Government, who would gladly remove to Canada if they could there obtain Lands, to settle upon : Arrangements were in consequence made, for admitting Applicants of this description. But these, standing on very different ground from those who had joined the Royal Standard, were required to pay the usual Fees for passing the Patent, to the amount of about 13 Dollars, or 58/6 Sterling, and their Grants were limited to 200 Acres. In the year 1791, the Province of Quebec was divided into the Provinces of Upper, and Lower Canada ; and in the year 1792, General Simcoe came to this Province as Lieut. Governor. After he had been some time in the Country, he thought it expedient to enlarge still further the scale

of distribution of the Crown Lands, by extending to 1200 Acres the allowance to every Magistrate ; the same quantity to every Member of the House of Assembly, and the Children of Counsellors and Field-Officers ; 600 to the Children of Captains, and 400 to those of Subalterns, including herein however all former Grants. The Allowance to Members of the Executive Council, was by authority from His Majesty's Ministers, made 6000 Acres including former Grants ; nor can such allowance to them be considered as extravagant, when every man in the Country who had borne a Commission higher than that of Captain, had 5000 Acres. This Scale of distribution was adhered to during the succeeding Administration of Mr. President Russell. But in all this, there was no partiality ; for it is ridiculous to talk of Injustice in what at worst, could be considered as matter of Favour merely. The distribution was not made to favorite Individuals, but to extensive Classes ; and no instance can be produced, within this period, of any Person being refused this additional quantity of lands, who could clearly establish a claim to be comprehended in any of these Classes. And, let me ask, for what purpose was it necessary to have reserved these lands ? The reservation of 2-7ths, in distinct Locations for the Crown and Clergy, will surely suffice for every useful Establishment that Government may have in view. No useful Emigrant has been kept out of the Province in consequence of these Grants. Large quantities of Lands are still unappropriated : and at this

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this day, those who obtain locations in the least favorable situations, are better off than the Settlers were in 1784, when the Country was a perfect Wilderness. With respect to the price of lands between Individuals, it is notorious that it is not more than a fourth part of what lands in the American States, on the South side of the St. Lawrence, and Lake Ontario, are sold for in Situations equally as remote ; and the lowest terms on which they can be had from the American Government is 2 Dollars, or 9 shillings Sterling per acre.—When Gen. Hunter was in 1798 sent out as Lieut. Governor, His Majesty's Ministers thought proper to order that all further grants of Land free of expence, except the allowance of 200 acres to the Children of Loyalists, should cease. That for what had been granted more than the King's Instructions, (construed agreeably to the allowance made to the 84th Regt.) would warrant, the usual Fees should be paid :—That the authority of the Provincial Government should be limited in future Grants to from 200, to 1200 acres, according to the character and circumstances of the Applicant, and that besides the usual Fees for passing the Patent, there should be required a further sum to be accounted for to the Government, amounting in all, to about $36\frac{1}{2}$ dollars, for 200 Acres. The most liberal construction was put upon these Instructions by the Colonial Government : the additional charge was not exacted on Patents for any lands for which an Order in Council had been obtained previous to the date of

of these Instructions ; and every Loyalist who could make it appear that he was resident in the Province previous to the year 1798, was allowed the quantity of Lands directed in the King's original Instructions, free of expence. Fourteen years might surely suffice for those who were disposed to benefit by His Majesty's gracious promises, to come and claim them. It may be proper here to observe, that the extended allowance of land made by Lord Dorchester in consequence of a similar allowance to the 84th Regiment, as well as the allowance of 200 acres to original Settlers and the Children of Loyalists, was expressly confined to those who had improved their first Locations. For this, an obvious reason may be assigned. They who had encountered the difficulties and hardships necessarily attendant on the forming a new settlement, might well be considered as entitled to encouragement and favour, to which those certainly could have no claim who shrunk from these difficulties and hardships ; and kept aloof till the labours of the more industrious and enterprising had smoothed the way for them : yet even this condition, so reasonable in itself, has never been insisted on by the Government of this Colony, which Mr. Jackson is so ready to accuse as arbitrary and tyrannical. If those who have been the objects of such favour and attention, can find in all this any cause of dissatisfaction, they must have no common propensity to cavil ; and feelings very little allied to gratitude. There is as little to object to, in the principles upon which

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which, the various Claimants have been accommodated with locations. These were distributed by lot to the first Settlers. Afterwards, when there was little or no competition, the first application was preferred, and every man would naturally select the best situation which he found vacant. Where there was a competition, a connection with the Government was surely an allowable motive of preference ; nor would an unprejudiced man find any thing very censurable in withholding from a casual Settler, admitted on grounds of favour, an advantageous location, which might afterwards be granted to a person of superior pretensions : I pretend not however, to say that this has in every instance, been acquiesced in with the most perfect contentment ; but whatever dissatisfaction may have hence arisen, can be ascribed only to that overweening self importance too prevalent in mankind, which generally leads us to overrate our own merits, and pretensions, and to undervalue those of others.

“ A man's true merit 'tis not hard to find ;
 “ But each man's secret standard is his mind,
 “ That casting weight Pride adds to Emptiness,
 “ This who can gratify ; for who can guess ?”

(POPE)

The cruelty exercised towards the Emigrants from Nova Scotia, in refusing them Lands free of expence, has been a favourite theme for declamation with Mr. Thorpe and his associates. But, it must appear from what I have said above, that such as have come to this Province since the year 1798, cannot be exempt from the payment of Fees without

out express directions from His Majesty's Ministers. They either have had, or might have had, if they have not neglected to apply for them, the same donations of Land and Provisions, in the place of their original settlement, as were given to other Loyalists at the close of the American War ; and they now stand precisely on the same footing as Emigrants from any other part of His Majesty's Dominions : and it is truly a notable Grievance to lay before the King and the Parliament of the United-Kingdom, that His Majesty's Subjects cannot now obtain Lands in Upper Canada without paying about £ 9 Sterling, for a Lot of 200 acres ; a Sum which any industrious man may earn by ordinary labour, in about forty days.

This may suffice for an explanation, and vindication of the Principles and practice of granting the waste Lands of the Crown generally. In the distribution of Town Lots, there will be found as little to reprehend. No person could have a Grant for more than one Lot : but what would Mr. Jackson have said, if the Grantee had been denied the right of alienation. It must of course happen that this, as well as other Property, would change hands. Some would find it convenient to sell, and others would be ready to buy, to increase their accommodations. The Lands round the Towns, where the Towns are themselves inhabited, are every where cultivated. There are no Reserves, in their immediate vicinity. It is true that when the Town of
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York, the Capital of the Colony, was first laid out ; the country around it, as well as the scite of the Town itself, was a perfect Wilderness. During some years, the Inhabitants who, at first, were principally the Officers of Government, were obliged to submit to many inconveniencies and privations, and locations were given them in the vicinity of the Town, that they might have within themselves, the power to lessen these privations by cultivating their own grounds. The temporary inconveniencies of the situation, were disregarded by General SIMCOE on account of its natural advantages. The settlements in its neighborhood, are now among the most flourishing in the Province, and the Town has for several years past, been abundantly supplied with Provisions of every kind. If some of the proposed Towns have not been "*established*," (I suppose Mr. Jackson means inhabited,) it is owing to a very different cause from the one he assigns. I know but two so circumstanced ; namely, one to be called New Castle, on a Peninsula near to the place where a Canal will at some future period be opened from the head of the Bay of Quinty into Lake Ontario ; another on the River La Tranche or Thames ; near to where it discharges itself into Lake Sinclair, to be called London. These situations have been judiciously selected, and if they are yet uninhabited, it is wholly owing to the present want of population in their neighbourhood, not to a monopoly of the Ground ; for no Town Lot is, or has been granted

in them or other Towns, but upon condition of actual occupation.

I have already stated, that the Fees to be paid on grants of the Crown Lands in this Province, as well as the distribution of these Fees, had been settled under the direction of His Majesty's Ministers. Mr. Jackson very plainly insinuates, that this sanction could not make them legal. Upon common principles however, it would seem, that His Majesty's Ministers, by permission of their Sovereign, might regulate the pecuniary conditions on which the Lands of the Crown were to be disposed of. But the politics of Mr. Jackson and Mr. Thorpe are of no common cast; and as they used their most strenuous endeavours to persuade the House of Assembly, though not called upon to provide a Salary or other Allowance, to question the appointment of an Inspector General of Public Accounts, as illegal, without their previous sanction. They contended upon the same principle, that the sanction of that Body was necessary to legalize the Fees on Grants of the Crown Lands. These principles, openly professed, and strenuously urged by these Gentlemen, while they were in the Province, appear not yet to be abandoned. They are now, however, more modestly couched under the form of an insinuation, and thrown into a parenthesis, that they may not too glaringly strike the view of that Parliament, with whom it is a rule, never to interfere with the Property of the Crown, unless required so to do by the Crown itself.

Before

Before I dismiss the subject of Lands and Fees, I must take notice of the solitary instance quoted under Mr. Russel's Administration, where Survey Money was received from a reduced Officer, who ought to have been wholly exempted from expence. I pretend not in this, to vindicate the conduct of Mr. Russel; it is true, he acted neither from avarice or rapaciousness. It added nothing to his emolument, nor to that of the other Officers employed in passing the Grant. The Money was saved to the Crown, and placed to the credit of the Surveying Account. But it was a very injudicious piece of Economy. The interests of the Crown are not promoted by such paltry savings; and though the acquiescence of the Party concerned may palliate, it certainly cannot excuse the transaction. Be this however, as it may, what excuse can it furnish in behalf of Mr. Surveyor-General Wyatt, for allowing the official correspondence of his Office to be ransacked, and made public, for the purpose of traducing the dead? And what is the natural inference to be drawn from all this? Is it not that where such a disposition exists to betray a public Trust for the gratification of private malignity, that Government must have been remarkably correct where, in its most busy Department, and one declaimed against as the source of so much injustice and corruption, but a single instance of aberration is produced in the course of five successive Administrations?

FOURTH LETTER.

FROM the details which I have given you in my last Letter, you will be able to judge of the weight due to Mr. Jackson's conclusion, that "by this" means, the original intention has been defeated, "the Royal promise broken, the Faith of Government disgraced, the settlement of the Colony retarded, and partiality, prejudice and avariciousness so apparent in the distribution of Land, that" discontent and disgust were diffused throughout "the whole body of the People." All this may, without any breach of candour, be resolved into one short sentence, "I, Mr. Jackson, am dissatisfied, and of course every body else must be so."—Mr. Jackson's acquaintance with the People of the Province, did not extend beyond his immediate neighborhood; and, as his propensities led him to associate with the discontented, he may possibly have supposed them to be numerous; but whatever discontent may have been diffused among the People, it must be attributed not to the cause he assigns, but to the insidious Arts of him and his fellow-labourers in the cause of Faction, and is much less extensive than the confidence they have in their abilities for this sort of work, may perhaps allow them to suppose.

Next

Next follows the formidable assertion, that " the
 " good intention and wisdom of the British Parlia-
 " ment in forming the Constitution of the Colony,
 " has been defeated, and the very reverse of a free
 Government established." The argument in sup-
 port of this, and the seditious allusion to the Ame-
 rican States, are so exactly copied from Mr. Thorpe's
 effusions on the Hustings; and form so correct an
 Epitome of his reasoning and eloquence on the
 same point, in the House of Assembly, that it is im-
 possible to mistake the source from whence they
 proceed; but let us look a little into the merits of
 the question.

By an Act of the 14th of the King, entitled, " An
 " Act to establish a Fund towards further defraying
 " the charges of the Administration of Justice, and
 " support of the Civil Government within the Pro-
 vince of Quebec," certain duties are laid on
 Brandies, Rum, Molasses and Syrups, and on Li-
 cences for retailing Spirits; and the mode of their
 Application to the purposes of the Act, as recited
 in the Title, pointed out. The clause of the Act
 of the 18th of the King, referred to by our Author,
 having only a prospective, not a retrospective ope-
 ration, leaves the monies raised under the aforesaid
 Act of the 14th of the King, and other former Acts;
 and the appropriation of such monies unaltered.
 It is sufficiently evident that the Clause of the 18th
 of the King, quoted in the 31st of the King, as it
 there stands, relates merely to what will be done in
 future

future ; but it is remarkable that the Words "from and after the passing of this Act," which in the original Act make part of this Clause, and remove every shadow of doubt respecting its meaning, are omitted in the quotation.—As far as relates to the duties levied in this Province under the before mentioned Acts ; they were, by an Act of the Provincial Legislature passed in the 41st year of His Majesty's Reign, made to attach upon Articles imported into this Province, by land, or inland navigation, together with other duties imposed by the Provincial Legislature of Lower Canada, upon certain Articles imported into that Province ; that there might be one uniform Tariff of duties for both Provinces ; and in this Act, the respective Authorities under which such duties were levied, are distinctly named for the purpose of guarding against misapprehension on the subject. But had not such precaution been taken, would it be correct to say, that because the Acts of the Parliament of Great Britain before-mentioned, had in consequence of provision made by the Provincial Legislature, been made to attach on the Articles enumerated in those Acts which should enter the Province by other channels than the Port of Quebec ; the appropriation of the money raised under and by virtue of these Acts, was therefore altered, or done away ? The claim of subjecting the duties levied under these Acts of Parliament, to the disposal of the Provincial Legislature, was never heard of till urged by Mr. Thorpe, and

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and as he failed in persuading any Member of our House of Assembly to support him in this claim, which it is impossible to believe that he could himself think well founded ; it is not likely that he will through the medium of Mr. Jackson's Pamphlet, make many converts with you.— Our Constitution is in operation as it came from the Legislature of Great Britain. The charge therefore in this case, is not against the Colonial Government, but against the Government of the United Kingdom, who are openly accused of Tyranny, and breach of Faith ; and have the example of the American-States, held out to them in Terrorem.

Those who will not take the trouble of referring to the Act itself, might think that Mr. Jackson, when he says "the Clause of the 18th of the King, directing " all Monies raised in the Colony to be accounted " for before the *House of Assembly*, and to be appropriated by the said House," was quoting the clause, instead of giving Mr. Thorpe's wilful misconstruction of it. The plain language, however, of this clause of the 18th of the King, repeated and recognized in the Act of our Constitution is, " We have laid Duties on certain articles, and appropriated the proceeds of these Duties for your Benefit, by applying them towards defraying the charges of the administration of justice, and the support of the Civil Government of your Colony. These must remain as they are ; but we will hereafter abstain from levying any duty, tax, or assessment whatever, except for the

the regulation of commerce. Such regulation being material to the interests of the Empire at large, we reserve to ourselves. But when, for this purpose, we shall think it expedient to lay any duties, to be levied in your Province, the monies arising therefrom, shall be at the disposal of the Provincial Legislature. This promise will doubtless be held sacred. But what are we to think of the Man who thus palpably mis states the language and meaning of an important part of the Act of Parliament, which establishes our Constitution ; and then from such misrepresentation, takes occasion to exclaim that the public Faith is violated, and "the very reverse of a free Government established," and raves about Revolutions for the purpose of inflaming the Minds of the ignorant and unwary.

The Accounts of the duties levied under the Acts of the British Parliament, though subject to the disposition of the Commissioners of His Majesty's Treasury, for the purpose of defraying in part the expence of the Civil Government of the Colony, are annually submitted to the inspection of the Colonial Legislature. It is not so with the monies arising from Grants of the Crown Lands. How these are applied, I pretend not to know, nor does it concern me, or even the House of Assembly to enquire. They belong to the King, to dispose of as he may think proper ; and as it rests with his Majesty's Ministers to see that the Provincial Government render a proper account of this money, it is to be presumed that they
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do not neglect their duty. This however, is at present no affair of ours. When His Majesty shall think proper to devolve upon the Legislature of the Colony, the care of auditing such account, and direct his servants here to lay before them a statement of the receipts and expenditure of the sums arising from the disposal of his property, it will be time enough for them to interfere.

It is well known to every man acquainted with the subject, that the Government of Upper Canada have had no concern whatever with the Duties levied at the Port of Quebec, under the Acts of Parliament aforementioned; but that the amount is regularly remitted home to the Commissioners of his Majesty's Customs by the Collector at Quebec. Yet the *worthy* Judge, who is now speaking to the Public through Mr. Jackson, laboured to persuade the Inhabitants of this Province, that a proportional part of this money was regularly remitted hither, and together with the monies arising from Grants of the Crown Lands, applied by the Officers of this Government to their own private purposes; or to use his own language, "made a prey for rapaciousness and peculation." Such language he well knew, had no foundation in truth; but it might excite jealousy and suspicion; and that with him and his associates, was the only material consideration.

The affairs of the Church are next held up as furnishing matter for criminating the Colonial Government. Let us see how justly. Agreeably to the

31st of the King, land equal to one seventh of all the land granted, and not as Mr. Jackson expresses it, one seventh of all the land granted, has been reserved for the support and maintenance of a Protestant Clergy. On the arrival of General Simcoe in 1792, this began to be acted upon. These reserved Lands could not be sold, and the Government at home were to be consulted respecting the terms on which they were to be leased. The correspondence and deliberations on this subject, necessarily consumed some time. The terms being at length adjusted, they were in 1801 notified in the Gazette, and persons desirous of obtaining leases, were directed to lodge their applications at the Council Office. But where lands are so easily to be obtained in Fee, it is not to be expected that people would be eager to take Leases, however moderate the terms might be. A number have, however, been applied for, and granted from time to time; but the sum they have hitherto yielded must be inconsiderable, the lessee paying on a lot of 200 acres only 10s. per annum for the first seven years, 20s. per annum for the next seven years, and 30s. per annum for the last seven years of the twenty-one years for which they are granted. That they will in time furnish ample means to answer the end proposed, is not to be doubted, and it was wise to provide a Fund of this substantial nature. But immediate aid was not, and could not reasonably be expected from it. No one regrets more than I do, that the number of Clergymen of the

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the Established Church in the Province, which is but one more than Mr. Jackson states it, is not greater than it is. Six are far too few for such an extent of country. But the great difficulty is, that respectable Clergymen are not to be prevailed upon to emigrate from England to this Province. For though the Clergy Reservations, yet furnish little to offer them, and the Provincial Legislature hath shewn no disposition to provide either salary or Churches for the Clergy; the Government at home as well as "the Society for propogating the Gospel in Foreign Parts," (not the Missionary Society, as Mr. Jackson calls it) are well disposed to give them every encouragement. Indeed this must be peculiarly the work of Government, for the number of Members of the Church of England is comparatively small, and therefore no very active co-operation is to be expected on the part of the people. As correctness was not Mr. Jackson's object, these circumstances enter not into his consideration. He would persuade us that obstacles arising from natural or moral causes, are interposed by the Agents of the Government; or if the means devised for their removal, which can only be slowly and gradually accomplished, do not operate like magic, and contrary to possibility, produce immediately the desired effect, that the Government must be charged with delinquency.

Our Author is not quite correct in the assertion, that "there are fewer Churches than Ministers of the Established Religion."—There are nine Episcopal Churches

Churches in different parts of the Province, too few I admit ; but it shews little regard to truth to diminish this small number more than one half.

A laudable attempt, says Mr. Jackson, " was lately " made to encourage the propagation of the Gos- " pel." If by this he means, as it would appear he does, the establishment of Schools, this establishment is not more connected with the Church, than with any other liberal profession. It is, indeed, highly honorable to the Provincial Legislature; and among other advantages that will result from it, it is to be expected that it will in time furnish us with proper Candidates for Holy Orders, and thus promote the cause of Religion. Mr. Jackson has forgot, or was perhaps ignorant of a very material part of this establishment, namely, a compleat Philosophical Apparatus, provided also by the Provincial Legislature, and actually in the hands of a person well qualified to apply it to the illustration of the various branches of Natural Philosophy; so that we now possess the means of giving our young men a liberal education in all its parts, without sending them abroad.*

" The House of Assembly," says our Author, " voted eight hundred a year for eight Schools," as if the House of Assembly were alone concerned, and could do every thing. The Bill of course originated with them, and does them honor; but it could have had no effect without the concurrence of the other branches of the Legislature, notwithstanding Mr.

Thorpe

* Two Townships of Land have been set apart for the Establishment of an University so soon as circumstances shall require such an Establishment.

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Thorpe affected on all occasions to call them mere lumber. From this circumstance, I am persuaded, that the phrase used by our Author, was not accidental, and indeed it is remarkable that throughout this compound of sedition and falsehood, the House of Assembly is always put for the Provincial Legislature.

Let us now see how far this School Establishment so reputable to the Province, and so replete with future advantages, has been, or is liable to be made a job of; or as our Author expresses it, "a reward for convenient persons."

The places at which these Schools are fixed, are named in the Act. The Lieutenant Governor is to appoint Trustees, of whom there are not to be less than five for every School. These Trustees are to examine into the character and capacity of the persons who may offer as Masters, and nominate for the Governor's approval, such person as they shall deem duly qualified. They have the power of removal without consulting the Governor, and to make Rules and Regulations for the good Government of the Schools; and it is only on a Certificate from them of his having faithfully discharged his duty, that the Master can receive his Salary. It seems not easy to devise a better plan for procuring proper Teachers, and guarding against abuses; and it will probably be deemed fully equal to the notable expedient of Mr. Thorpe, urged with an eloquence and constitutional zeal peculiar to himself, which was, that the House of Assembly should appoint three, and the Legislative Council two of the five Trustees. But let

let us proceed to the practical result.—Six of these eight Schools have, from the beginning, had Masters who have received a regular Academical education. The other two have not been so fortunate ; for tho' the Masters are well qualified to teach every branch of a common education, they are not acquainted with the Learned Languages ; and will doubtless yield their places to others of superior attainments, as soon as such shall offer. In the mean time they are the best that could be met with, and certainly do not owe their situations to the patronage of the Governor. One of these two situations was, for a while, filled by a Gentleman on Half Pay, whom the Trustees prevailed upon to accept the appointment ; but he resigned it at the expiration of the year.

Such is the real state of the case, and such the grounds for our Author's candid conclusion "that
" in defiance of the British Parliament and the Provincial *Assembly*, every attempt to *infuse* religion,
" morality or instruction, has been defeated."

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FIFTH LETTER.



THE next object of our Author's vague abuse, is the system and administration of our Laws. The Law, the Courts, the Judges, the Officers, every thing connected with this important department, is involved in one indiscriminate accusation of oppression, dependance, and corruption. If however you will have the patience to follow me, and take a distinct view of the subject, you will be satisfied that there is little in all these for an impartial man to censure.

The Law of England as the rule of decision, as well as the rule of evidence, was indeed introduced by one of the first Acts of the Provincial Legislature. But they did not hereby intend, or, if they had intended, they had not the power to repeal the Acts of the Parliament of Great Britain containing Regulations which particularly respect the Colonies and Plantations. These are placed beyond the reach of the Colonial Legislatures, and must, in the cases to which they apply, govern the decisions of our Courts. Doubts were however entertained on the subject by some of the Judges ; and a case which involved this question, remained for a long time undecided, as the Bench were divided in opinion ; and it is only within this last year, that it has been set at rest

rest by the decision of the King in Council, on an appeal. One of these Acts, the 5th of Geo. 2d, chap. 7, provides, "that in any suit in any Court in
 " the Plantations for any Debt or Account, wherein
 " any person residing in England shall be a party, it
 " shall be lawful for the Plaintiff or Defendant, and
 " for any Witness to be examined, to prove any
 " matter by affidavit or solemn affirmation before any
 " Mayor, or Chief Magistrate of the City or Town
 " in Great Britain, where, or near which the person
 " shall reside, and certified under the Common Seal
 " of such City or Town, or the Seal of the Office of
 " such Mayor or Chief Magistrate ; and every affi-
 " davit or affirmation so made and certified, shall be
 " of the same force as if the persons had appeared
 " and sworn *vive voce* in open Court, or upon Com-
 " mission." This I presume, is what our Author
 alludes to, as "vitiating the first principles of evi-
 " dence." Whether this departure from a general
 rule, may not however be fully justified by the rela-
 tive situation of the Colonies, which obtained upon
 credit, all their supplies from the merchants of Eng-
 land; for whom it would be impossible to enforce
 their claims of payment, were they required on every
 occasion, to cross the Atlantic with their documents
 and witnesses, I will not at present stop to enquire;
 but it does not appear necessary to ascribe it to "the
 " viciousness or fraudulence pursued in the Colo-
 " nies in their primitive depravity." And as no
 case has yet occurred in this Province, in which such
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testimony has been offered, there has been at least no actual deviation from established rules, to warrant our Author's vehemence.

Another clause in this Act, makes houses, lands, and other real estates, within the Plantations, liable to the payment of debts generally; and this is the part which our Author probably had in view when he talks of oppression. The whole of his incoherent rant on the occasion, is so like Mr. Justice Thorpe's passionate invective from the Bench, when the question was under a judicial review, that it is evidently of his dictating. But the law has been determined by the highest authority to be so; and it remains to be seen whether Mr. Thorpe's eloquence will induce the Imperial Parliament to alter it. With regard to the justice of the matter, it will not, I presume, be disputed, that a man's property of every description ought to be liable for the payment of his debts. The mode generally adopted in England with respect to real estates, of levying one third part of the yearly value, 'till the debt is satisfied, cannot apply here, where lands are yet but in the first stage of cultivation; and where all being proprietors, it would not, at all events, be easy to find lessees. Yet even in England, when the nature of the case admits not of delay, real property may be sold by process of law for the benefit of Creditors; as in cases of bankruptcy, and to satisfy debts due to the Crown.

The Lower Canada Ordinances are dragged in, with particular opprobrium, as completing the cli-

max of oppression ; a reproach which they will be little thought to deserve, when it is considered, that we have borrowed from them that provision of our Law, which allows no person to be imprisoned for debt on mesne proces, be the amount what it may, unless an affidavit is made and filed by the Creditor that he is apprehensive that his Debtor will leave the Province without paying his debt ; and another which extends petty larceny to the value of twenty shillings. It would excite surprize to find in any other publication a doubt, whether these Ordinances were "legally established." But we meet with so many extraordinary things in the one before us, that nothing there could surprize us but truth and candour. We were for eight years a part of the late Province of Quebec, by the Legislature of which these Ordinances were enacted. They were continued in force by the 33d clause of the 31st of the King, till they should be repealed by the Legislature established by that Act ; and in the 4th clause of the Act of our Legislature, which introduces the English Law as the rule of decision and evidence, it is expressly provided, that these Ordinances were not repealed or varied, "otherwise than as they were necessarily varied by the Provisions of that Act." Several of them have since, from time to time, been repealed ; but such as have not been repealed, most certainly compose a part of our Law ; and our Courts must be guided by them as far as they go. Whether one or other part of the system, may suit this or that particular

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particular fancy, or interest, is no concern of the Judges. They are bound to administer the Law as they find it; and in their construction of it, to follow their own understanding and conscience.

That the permanence of a Judge's situation ought not to depend on the Executive Government, has my unqualified approbation as a general principle. But general principles, in their full extent, cannot always be adopted in practice. Where Judges are appointed to a distant Colony, in which impeachment is impracticable, and would be an inadequate remedy; where they may be tempted to intermeddle with other matters than their Judicial Functions; and where by factious intrigues, they might do infinite mischief; it is expedient that a power of suspension and removal should remain with the Government. Had an example been wanting to shew the prudence and necessity of such a power, a more striking one could not have offered than that of Mr. Thorpe himself; the real, though not the ostensible Author of the precious Publication under Review; who little regarding his duty as a Judge, was principally occupied in attempting to throw the Province into confusion.

The salary of the Judges, is rather a delicate point to give an opinion upon. Yet in this country, £750 Sterling per annum for the Puisne Judges, and £1000 for the Chief Justice, seems to be a pretty liberal establishment considering the relative state of Society amongst us; and they have besides, an allowance of

£100 to defray their expences on the Circuit. Independence generally depends more on the personal character of the individual, than on the salary or tenure of an Office : And that the present Judges are in fact independent, is established beyond the possibility of doubt. A case of notoriety occurred some time since, in which it was put to the proof.—The Governor, on an occasion that called for his most public and marked reprehension, considered it his duty to deprive a Mr. Rogers, of some appointments which he held under Government. Among these was the office of Register. This Mr. Rogers refused to relinquish ; and the case was brought before the King's Bench by Mandamus. The Commission for the appointment was during pleasure, and the cause was ably argued by the Attorney General on the part of the Crown ; but the Court decided that, by the words of the Act, the Governor had not the power of removal ; and Mr. Rogers retained the Office.—After such an instance, it must surely be in vain for any malicious Scribbler to attempt to shake the confidence of the Public in the independence and integrity of the Judges.

That the Stocks may have been broken by a drunken Rabble at an Election, or on some other occasion, is very possible ; though I have no knowledge of the fact : But to assert that it originated in any dissatisfaction at Judicial Proceedings, is a most impudent falsehood. The Court was ever respectable, till Mr. Thorpe, in an evil hour, obtained a seat up-

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on the Bench. It was then indeed, as far as depended upon him, (and he must sometimes necessarily preside at the Assizes) degraded into a Theatre for factious harangues, and personal Invektive. Since his removal, it has recovered its respectability.

That some Gentlemen engaged in mercantile concerns, are Justices of the Peace, is very true ; and in a country like this, the Commission of the Peace would be badly filled without them. How they possess "*the means of extortion,*" is not explained ; and to say that they are " first the Criminals and then the Judges," may be thought by Mr. Thorpe or Mr. Jackson a fine rhetorical flourish, but has certainly no connection with truth. All that the Justices of the Peace have to do with the Settlement of Accounts, is as Judges of the Courts of Request, the jurisdiction of which is limited to thirty-six shillings Sterling, and are held at stated periods ; at which there must be at least two Magistrates presiding. These Courts are constituted on the principle of your Courts of Conscience, and here, no more than in any other Court, can a man be both Judge and Party.

" The Court of Appeals," says our Author, " is so constituted, or, to use his own word, *constructed*, as to prevent an honest verdict from passing in effect." Whoever knows any thing of the subject, knows that questions of Law alone, and not the verdicts of Juries, are subject to revision in the Court of Appeals. By the 31st of the King, the Governor and the Executive Council, constitute this Court.

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The Chief Justice will always be a Member of it, and the assistance of the other Judges may be had, and will naturally be called for. It has no cognizance of causes under £100, except where future rights would be bound; and in cases exceeding £500, or where future rights would be bound, there lies an Appeal from its decisions to the King in Council. The Author has not suggested how this Court could be better composed. It is natural to suppose that the Executive Council, will always be filled by the most respectable characters; and it is so in fact, notwithstanding our Author's illiberal suggestions to the contrary. The practice of the Court he says, is, "unjust, oppressive and influenced." If he speaks of the Court of Appeals, there has yet been but one cause brought before it, namely, that one which involved the question whether, the Act of the 5th Geo. 2d before mentioned, was in force in the Province, and Lands in consequence liable to be sold under Execution? and that was merely for form's sake, that it might be put in train for the decision of the King in Council. If he speaks of the Court of King's Bench, its practice is modelled upon that of Westminster Hall, except that, in ordinary cases, the process is by Writ of Summons, to which the Declaration must be annexed, and not by Capias; a deviation certainly not on the side of injustice and oppression. That it can be "influenced" by anything but the Rules of Law, would require malignity equal to that of our Author to suppose.

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The Clerks of the Peace, or their Deputies, should they have any, have no concern with the issuing of Proces in Civil Cases. The Author I suppose, means Deputy Clerks of the Crown, of which there must be one in each District. The Clerk of the Crown has the appointment of these Deputies; yet the Judges would doubtless interfere, were they in any instance, selected improperly. The charge, "that Proces might be entered, and Writs obtained most partially" in the Offices of these Deputies has no existence, but in the corrupt imagination of our Author.—If it be true that we generally judge of others by ourselves, what a monster of iniquity must he be, thus to suppose every man in Office, from the highest to the lowest, to be combined for the purposes of fraud and oppression!

What the Sum is which is allowed in this Province, or elsewhere, on Criminal Prosecutions, I have been in no situation to know; but I believe it is not usual any where, for the Crown Lawyers to conduct them gratis; and that the allowance is the same as it was under the late Province of Quebec. Complaints are not usually made to the Crown Lawyers in the first instance, in Cases where Indictments are to be preferred. Presentments by Grand Juries, and Commitments by Magistrates, are the usual foundations of their proceedings; yet, to believe our Author, it is their avarice alone, that sets every thing in motion. Trifling complaints are
judicially

judicially as little attended to here as elsewhere ; but the jurisdiction of the Quarter Sessions is very limited, and the Sheriff's Calendar must necessarily be disposed of. It is peculiarly the duty of the Crown Lawyer to take an active part in preserving Public order, and bringing offenders to punishment. That "*independence*" which sets the restraints of Law at defiance, will doubtless feel "*harrassed*" by such proceedings : but Justice and Right, as well as "*Power*" will be gratified by them. The "*inflated contingent Account*" I must refer to its proper Audit, where it will be more particularly and impartially scrutinized, than by our Author.

That Execution should be stayed 'till a motion for a new Trial, or in Arrest of Judgement was disposed of, is a matter of course. But when once Judgement is entered up, it is impossible that Execution can be refused, unless the decision of the Judges be appealed from. The Clerk of the Crown, would be liable to an action for such refusal.

The Secretary of the Province had originally the issuing of Licences for retailing Spirituous Liquors. He became a defaulter in the payment for these, from year to year, 'till the deficiency amounted to a very considerable Sum. An Extent was issued to recover the money, and removed as soon as it was paid.

A certain Sum was appropriated for Printing the Journals of the House of Assembly. The Printer's Account fell short of that Sum. He was paid the full

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full value of his work, and the Inspector-General of Public Accounts, would have been guilty of a breach of Trust had he allowed more. The surplus remained in the hands of the Receiver General, for the future disposal of the Legislature.

The Accounts of Surveyors, as well as other persons in Public employment, must of course be made out in proper form, and regularly vouched, and their Expenditure warranted by their instructions, before they can be passed. Wherever these requisites have been complied with, I will venture to assert, that they have met with no difficulty in obtaining their money. Where they have not been complied with, it was impossible to pass their Accounts.

Such are the foundations for our Author's assertion that "there was neither substance nor shadow of Law or Justice; but the will of Power was the rule of decision." "The extreme agitation of the Public mind, and the universal gloom pervading the Province," is one of those fancy Pictures of our Author, by which he so frequently attempts to heighten the pathos of his declamation. The Public Mind had much to cheer it; certainly nothing to agitate or overspread it with gloom. But our Author's own mind appears to have been agitated and gloomy enough: for his production is more like the ravings of a mischievous Maniac, than the statement of a rational man, drawn up for the information of the Legislature and the Public.

SIXTH LETTER.

WE are now brought to the æra of Mr. Thorpe's arrival in the Province, an incident which all the preceding parts of the Fable seem to have been calculated to introduce with proper Stage effect. The universal gloom is immediately dissipated ; the agitation of the public mind subsides in a moment ; and this chivalrous and errant champion, by the fascination of his transcendent qualities, with which he must have been visibly canopied, seizes at once upon the confidence of the public, and is looked up to by "all descriptions of people," as their deliverer from the thralldom of recreant magicians !—The sedateness proverbially characteristic of the demeanor of a Judge, is however little calculated to attract the crowd ; and this part of the Pamphlet affords abundant internal evidence how improper a choice was made, when Mr. Thorpe was selected for that respectable situation. "A popular Judge" says Lord Mansfield very truly, "is an odious character." What then are we to think of one who sets out with openly offering himself as a popular Leader. "Through his representations their grievances would be redressed ; and by his exertions, every benefit administered." So says his profest panegyrist, unconscious that he was trumpeting forth his disgrace.

He

He was about a year in the Province previous to the arrival of Lieutenant Governor Gore. Of his conduct during that interval, I have given you some account in my second Letter. This will naturally enough, account for the Governor's not being much prejudiced in his favour, without resorting to "envy" as the cause. That "*he could not endure they should move in the same orbit,*" or in other words, would not yield the Government of the Province to Mr. Thorpe, is not much to be wondered at. Such an arrogant pretension, we could indeed hardly expect to see avowed, by a profest Advocate!

The Home and other Districts, says our Author, "represented their grievances." He should have said, a part of the Home District, and the Grand Jury of the District of London, were so obsequious to our wishes, as to sign Addresses fabricated for them, by Mr Thorpe and Mr. Weekes. In these two Districts alone, were found people silly enough to sanction by their names, the indiscriminate abuse which these Gentlemen, from motives already explained, affected on every occasion, to cast upon the Colonial Government. These two Districts, are the least populous, and most recently settled of any in the Province, and none of the others have afforded the slightest grounds for our Author's assertion general, as with his usual regard to veracity, he has made it.

It is not difficult for artful and designing men in such situations as Mr. Thorpe's, and Mr. Weekes's, to impose on the unwary, as proper, a paper of which

the exceptionable parts are couched in general terms, and these Gentlemen, though they did not sign it themselves, were indefatigable in procuring signatures to the Address of the Home District to the Governor. No public Meeting was held on the occasion, and fearful of being counteracted by the more respectable part of the community, the impertinent officiousness of Mr. Weekes, anticipated their intentions, and took the Governor by surprize. The Address was delivered before his Excellency landed, and the Capital of the Province, had virtually, the peculiar distinction of insulting His Majesty's Representative, by inserting in their complimentary congratulations on his arrival, unmerited and general censure on his predecessors. The Address of the Grand Jury of the District of London to Mr. Thorpe, was composed as a suitable counterpart to his Charge, which began with this extraordinary sentence. "The fifteen years disgraceful Administration of this Government, calls loudly for your interference." And in his answer to their Address, he says, "Where there was neither talent, education, information, or even manner in the Administration, little could be expected, and nothing was produced." The Address from the Home District, the Address from the Grand Jury of the District of London, and the Judge's Answer, are so much alike, both in matter and style, that with those who will take the trouble to peruse them attentively, there can be no doubt of their being composed by the same person. The two last

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of these pieces our Author has not thought proper to insert in his Appendix ; but I inclose them for your perusal.—[See Appendix, No. 1.]

It was evident enough that these “representations” (more properly declamations) arose from Mr. Thorpe’s instigation, not “from the actual sufferings of the people,” and it is not to be wondered at, that a respectable Gentleman of the District of London, who had witnessed these proceedings, should have observed, “that such conduct was more like that of an *United Irishman* than a Judge.” For this expression, Mr. Thorpe, always sufficiently self-important, directed an Action of *Scandalum Magnatum* to be brought ; as if an Action now obsolete in England, and expressly confined to a Peer, a Judge, or other great officer of the realm, could apply to any Colonial Judge or Officer. And it would not have been very creditable to the Legal discrimination of “his Brethren of the Bench,” to have decided “that such an Action *could be* brought by him.”

Of “the vacancy that soon after occurred in the House of Assembly for the Home District,” it did not suit our Author’s purpose to say much. I will therefore relate how it happened. Mr. Thorpe had always countenanced and even encouraged Mr. Weekes in his pleadings at the Bar, to insult by the most reviling and contemptuous language, the most respectable characters who had been, or were in office in the Colony, however irrelevant to the matter before the Court. On the return of this worthy pair from

from the District of London, the Assizes were held by Mr. Thorpe at Niagara. There the same outrageous and wanton abuse was heard from the Bar, and passed uncensured by the Bench. One of the Gentlemen of the Bar however, thought himself bound to remonstrate against the indecency of making the Pleadings in a Court of Justice, vehicles of party spleen, or private rancour. This took place on Monday, and the animadversions of his brother Advocate, were at the time, little noticed by Mr. Weekes. The next day he made an excursion into the country, and passed the evening with the Judge and some other confidential friends at a Tavern. On Wednesday, he sent a Challenge to the Gentleman who had so properly vindicated the decorum of Legal Proceedings. It was supposed that this measure, from the time that had elapsed, was not the spontaneous effect of resentment, but advised by the party, with a view to over-awe others from similar interference, and insure a free scope in future, to their licentious abuse. Reasonable explanation was offered, and refused; but when they found that they had mistaken their man, and that no degrading concessions would be made, they had information of the intended meeting conveyed to his Wife, in the expectation that her prayers, and tears, would shake his firmness; and extort some disgraceful apology. But even this artifice did not succeed. The meeting took place in the adjacent Territory of the American States, and Mr. Weekes fell, the victim of his own turbulence,

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turbulence, or rather, as is generally supposed, of the indiscreet suggestions of his Friends.

The Career which was thus opened for the further display of his talents as a Demagogue, Mr Thorpe was eager to enter. If as our Author asserts, "it ever had been the custom, and Constitution of the Colonies, for Judges to be Members of Houses of Assembly;" what passed on this occasion, is decisive of the impropriety of such a custom. A Judge upon the Hustings, engaged in altercation with a rival Candidate and his Electors, and assailed occasionally with the severest and most humiliating sarcasms on his private character, as well as public conduct; must lose forever, that respect which his situation on the Bench is calculated to inspire. Besides, it is impossible to suppose under such circumstances, that he could in the exercise of his judicial functions, be indifferent between his Partizans, and his Opponents; that he would forget the hostility of the one, or the support of the other.

That any entreaty of friends was necessary to induce Mr. Thorpe to this step, is an idle tale.—The Governor's representations to him on the impropriety of it, were disregarded; and instead of manifesting any reluctance, he was proud to become a "Partizan."—Houses were opened for the entertainment of his friends, on the credit of Mr. Jackson, and Mr. Wyatt. His partizans paraded the Streets with that appropriate emblem of United Irishmen, the Harp without the Crown; while Mr. Thorpe, haranguing
from

from the Hustings, sought to inflame his Hearers by warm and frequent allusions to the American Revolution ; and apostrophized his departed Friend, as looking down from HEAVEN, with pleasure on their exertions in the cause of liberty.

That the friends of good-order should exert themselves to prevent the success of such a Man, is not surprizing. But that any of the means mentioned by our Author were resorted to, or sanctioned by the Government, is, like most of his other assertions, wholly without foundation :—Mr. Thorpe however, triumphed ; and we will follow him, now legally inducted into the House of Assembly, where we have before seen something of him as an Intruder. His conduct there, cannot be better described than it is in a letter transmitted by a friend of mine, who was on the spot, and wrote immediately after the prorogation. I therefore transcribe it for your information and amusement.

“ March the 14th, 1807.”

“ Our Session hath terminated in a manner the most desirable to the friends of good order, and the most mortifying to Mr. Thorpe, who hath been compleatly foiled in all his attempts to do mischief.—He began by endeavoring to persuade the House of Assembly, that the Duties levied under Acts of the British Parliament, were at the disposal of the Provincial Legislature, and that this Province was entitled to a proportional part of such of those duties as were collected at the Port of Quebec, in the same manner as it was

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" to a proportion of the duties collected under the
 " authority of the Legislature of Lower-Canada ;
 " and they were sufficiently disposed to listen to a
 " doctrine which would place a large additional
 " sum of Money at their disposal. But after atten-
 " tively considering the 31st of the King, they to a
 " man, saw the absurdity of such a pretension, and
 " gave up the point.—Driven from this broad
 " ground, he then insisted that the duties imposed
 " by the 14th of the King, on Licences for retailing
 " Spirits, were certainly at their disposal ; and had
 " actually been appropriated by a Provincial Statute
 " passed in the 33d year of His Majesty's Reign ; but
 " it was contended that the Words of this Statute,
 " would not bear the construction, which the learn-
 " ed Judge laboured to give it ; and that constant
 " usage ever since, shewed that in passing that Law,
 " the Legislature had no such object in contempla-
 " tion : or, granting him both these points, it was
 " shewn that by the 31st of the King, the Provinci-
 " al Legislature had not the power to do so, if they
 " had intended it ; and he was here again left alone,
 " notwithstanding his pathetic exclamation that, if
 " *they gave up this, they gave up their freedom,*" " and
 " his almost treasonable allusions to the American
 " Revolution, as originating from the principles sup-
 " ported by the House. He afterwards moved an
 " Address respecting the U. E. Loyalists and Milita-
 " ry Claimants, couched in insidious and inflamma-
 " tory language, in which he met with better sup-

" port; but the more sensible part of the House,
 " were aware of the impropriety of their attempting
 " to prescribe rules to the Crown, for the distributi-
 " on of its Bounty, and his motion was negatived.
 " On a question respecting the appointment of
 " Trustees to Schools, he declaimed most vehem-
 " ently against their being made Government Jobs,
 " to prevent which, he proposed that, as five was the
 " number intended, the House should appoint three,
 " and the Legislative Council two; but the absurdity
 " of this innovation was so apparent, that he
 " found but two to support him. A sum of money
 " had, under some misapprehension, been charged
 " in the Public Accounts, without a previous appro-
 " priation by the Legislature; a circumstance that
 " had been eagerly laid hold of by Mr. Weekes, as a
 " pretext for some very indecent proceedings in the
 " time of Mr. President Grant. This the Governor
 " ordered to be replaced, and mentioned it in his
 " Speech. The House of Assembly to shew that it
 " was not the money, but the principle, they were
 " tenacious of, came to a resolution to admit the
 " appropriation as it had been charged, and presented
 " a handsome Address to the Governor, expressing
 " themselves satisfied that the money had been
 " expended for the benefit of the Province. On
 " this occasion, Mr. Thorpe was almost furious. He
 " accused them of sacrificing their freedom; giving
 " up their constitution, &c. But in vain he de-
 " claimed and raved; every body but himself decla-

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" red in favour of the resolution. During the de-
 " bates on these subjects, his ignorance of some im-
 " portant points of law, as well as his factious prin-
 " ciples, were detected and exposed with much abi-
 " lity, and held up to derision by Mr. Sherwood,
 " and Mr. Boulton; and his Parliamentary exertions
 " were concluded by a scene most inimitably ridi-
 " culous. After all his factious attempts had been
 " frustrated, he exerted himself to compose an elab-
 " orate harangue on the violence which, according
 " to him, had been offered to the Constitution, by
 " the proceedings of the House; and gave it to one
 " of his friends to deliver as his own. This Gen-
 " tleman very deliberately took out his paper; but
 " not being a very fluent reader, or not having suf-
 " ficiently studied his task, he so mangled the Judg-
 " e's florid language, that after diverting the House
 " and the Gallery for a few minutes, at the expence
 " of himself and his principal, he was obliged to break
 " off abruptly, and sit down, to the no small confu-
 " sion of Mr. Thorne."—Thus far my Friend.

Such was the conduct of the man, " whose
 " only object, according to our Author, appeared
 " to be the strict and upright discharge of his duty."
 A duty that ought to have led him to a distance from
 the Walks of Faction; and that called upon him
 most imperiously, to inculcate and enforce subordi-
 nation and respect to the Government; and to sup-
 port it by his authority and example.

I have enlarged the rather upon this man's public

conduct, in the hope that His Majesty's Ministers if these Letters should ever come under the eye of any of them, may from this example, become a little more circumspect in their choice of men to fill official Situations in the Colony ; and not throw away high Salaries and important Trusts upon Wretches, whom vanity, or malice, may excite to throw it into confusion.

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SEVENTH LETTER.

THE success of Mr. Thorpe's exertions to obtain a seat in the House of Assembly, and his conduct there. I have related in my preceding Letter. I am now again to follow Mr. Jackson in his desultory course. He, with his usual candour, would persuade the Public, that some violent and unwarrantable means had been resorted to, to restrain the liberty of the Press. But at the time of which he is speaking, there was but one Printing-Press in the Province; and that was the property of the Government; which also allowed the Printer a salary for publishing in a weekly Gazette, Proclamation, and other official Papers. It would certainly have been carrying complaisance a little too far, to have permitted this to be made an instrument for promoting the factious purposes of Mr. Thorpe and his associates: yet, it cannot be supposed that it was under very strict controul, when through it, the Public were put in possession of the Address of the Grand-Jury of the District of London to that Gentleman, and his answer.

The circumstances under which, what our Author calls an independent Press, was established; the person who directs it, and the manner in which it has been conducted, have been already noticed.

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It has indeed "produced a great exposure" of the views of the Faction of which our Author is so distinguished a Member; one of which evidently is, by circulating with the aid of this Press, through a wider range, the vilest calumnies to weaken the authority of the Government, and spread dissatisfaction among the people. It is indeed "to be lamented, that such transactions" as the Meeting at York on the 24th July, 1807, at which Mr. Joseph Shephard presided, "should ever have occurred." The Address of this Meeting to Mr. Thorpe, and his Answer, [see *Appendix No. II.*] as "exhibited" by this Press, I now inclose for your perusal; and you will I daresay, admit that they are curiosities of their kind. Such as I am confident were never before addressed to, or received from a Judge of His Majesty's Court of King's Bench. Mr. Jackson has not thought proper to give these a place in his Appendix, well aware that in the opinion of the People of England, they would reflect little honor on the character of his Hero.—Mr. Thorpe and Mr. Willcocks seem to have thought so meanly of the intellects of the good People of this Province, as to suppose that they would regard them rather as creditable, than disgraceful to the parties concerned.

We have already seen how "upright" Mr. Surveyor General's conduct was, "and how well calculated to gain the respect and esteem of all descriptions of people." But it is proper to notice the circumstance of the Messissague Purchase. In the Spring

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Spring of 1805, it was deemed expedient to purchase from the Messissague Indians, the Tract of Country which extends from the River Etobicoke to the Head of Lake Ontario. No actual Survey of this Tract had then taken place ; but it was necessary that the outlines should be sketched, to serve as the foundation of an agreement, in which it was requisite that the Boundaries should be designated. Such a sketch was accordingly drawn; but when the Survey came to be made, it was found that there was nearly 17,000 acres more land than appeared to be comprehended in this sketch. The merit of this discovery is not due to Mr. Wyatt, and as soon as it was made, a proportional compensation was given to the Indians for this additional quantity. It is nothing extraordinary that an error, even of this magnitude, should arise from the random estimate of a Tract containing nearly 90,000 acres ; but Mr. Jackson, with the malice so conspicuous in every part of his Work, has represented it as a deliberate fraud on the part of the Government ; and has suppressed the circumstance of the additional compensation allowed to the Indians on its becoming apparent, that the original estimate was erroneous.

Of Mr. Sheriff Willcocks, and his dismissal from office, I have had occasion to speak in a former Letter. That " his conduct merited and received the " highest commendation" from his factious associates, I can readily believe. Yet ingratitude, and opposition to benefactors, are not usual subjects of commendation

commendation. Every reasonable man must admit that the Government, ought not to brook the hostility of its own officers; and, that it has an undoubted right to "command the support of this, and every " other office."

Mr. Willcocks, as we have before stated, was committed to Prison by the House of Assembly for a libel upon that Body, of which he was himself a Member. This our Author calls an unparalleled persecution, and for proof, refers to Mr. Willcocks's own scurrilous paper, and gives an extract from it, in the Appendix. But except the circumstance of the commitment itself, the tale there told, is without any foundation in truth, and like the rest of the tales in this organ of sedition, invented for the purpose of blackening every person, and transaction, likely to check the progress of the faction.

From the narrative which I have already given you of Mr. Thorpe's conduct, you will readily believe that it was unnecessary to have recourse to "misrepresentation" in order to induce the Secretary of State, to recal that Gentleman. We have clearly seen the "important and beneficial services, which he and " his associates were rendering to the Colony, and to " Great Britain." If abusing the influence of their official situations to the purpose of exciting a spirit of jealousy and insubordination among the people; if endeavouring in a manner the most indecent and disorderly, to impel the House of Assembly to the most unconstitutional assumptions of authority; if representing

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representing the constitution as tyrannical, and the laws as oppressive, the Government as ignorant and corrupt: if the most unremitting exertions to degrade and weaken that Government which they were bound by every tie to support; by rendering "important and beneficial services to the Colony and to Great Britain," then indeed has the conduct of these Gentlemen been eminently meritorious. These indeed are "not slight imputations." And such conduct in Surveyors General, Judges and Sheriffs, seems to call for a *higher* reward, than mere suspension, or removal from office.

With respect to the Provincial Ruler, he would have ill deserved the confidence reposed in him, if he had not exerted his authority to check such improper and dangerous conduct. And had not the measures which he adopted for this purpose, received the "sanction" of His Majesty's Ministers, they would have shewn themselves little attentive to the welfare of the Colony. But is it hence to be inferred, that "the stability of every civil officer's situation rests on the caprice of the person administering the Colonial Government"—Certainly not. Here, as elsewhere, it depends on their own conduct. He is indeed invested, and as we have seen very properly invested, with power to suspend them from the exercise of their official functions, when their misbehaviour renders such a step necessary; but he must immediately state his reasons to His Majesty's Ministers; and take the responsibility upon himself,

which is too serious a thing to be encountered from mere caprice. It is impossible to devise a better check to the abuse of an authority which is absolutely necessary for the support of every Government. It would under any form, soon sink into insignificance and contempt, if it might be thwarted, braved, and insulted with impunity by its subordinate officers.

The next assertion of our Author "seems indeed to surpass all the former" in falsehood and shameless effrontery. I have already said enough to satisfy you or any candid man, that personal liberty is as well protected here, as it is in England; and arbitrary imprisonment equally as impossible. What then are we to think of the following sentence.—"On the people's declaring their intention to petition the King for redress of their many grievances, it was publicly declared that any man should be sent to prison who signed any petition or address whatever." I would ask Mr Jackson who he means by *the People*? and on what occasion such intention was declared? If he speaks of any considerable number of persons assembled for the purpose here stated, I have no hesitation to say that no such assemblage ever took place. He possibly might think the people virtually represented by himself, and expressing the pre-ominant sentiment of every demagogue, would say, *I the People*. He has not even condescended to inform us by whom this threat of imprisonment was denounced. Yet had such an incident

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cident occurred, he would certainly not have lost so fair an occasion of holding up to public derision the simpleton who could be guilty of such impotent blustering. But it is not the least extraordinary part of this extraordinary case, that our Author should refer for his proof, to a Letter of his own, written to Lord Castlereagh, and inserted as a voucher in his Appendix, in which he has introduced this absurd story with the qualifying terms "I am given to understand." He has not thought proper to add by whom, and I am persuaded that the public are indebted for the story to his own imagination. In this famous Letter, the removal of the Lieutenant Governor is insisted on as the great remedy for all the dreadful evils under which the Province is represented to groan, and the only thing that can save it from absolute ruin. Allow me to give you my construction of this modest epistle, as it occurred to me on the first perusal.

'I trust your Lordship will place the most implicit confidence in the representations of Mr. Thorpe, Mr. Wyatt & myself. Though the Governor refused me a grant of land, suspended Mr. Wyatt from his official functions, and stopped Mr. Thorpe from making a further diffusion of his philanthropic instructions*.' "I beg you, my Lord, to consider that we are actuated by no other motive but the good of our Country," "without the slightest tincture of personal resentment. But really this Governor of yours has adopted a very ruinous system, to treat

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* See the Address of the Meeting, at which Mr. Shephard presided.

in this manner Gentlemen who, in order to give a
 wide r spread to these benevolent and equalizing
 principles which have for the last twenty years done
 so much good in Europe, thought it incumbent
 on them to oppose his authority both by precept
 and example, to teach the people under his govern-
 ment that the Constitution was tyrannical, the
 Laws oppressive, the Courts of Justice servile and
 corrupt;† that they were suffering hardships while
 every benefit was lavished upon them; that the
 persons in Administration were without talent, e-
 ducation, information, or manners, wholly unfit
 for the improved system introduced by the new
 School; that the Government was at its ultimate
 point of depression,‡ and that things would never
 go well 'till, like their neighbours in the American
 States.§ they took the entire management of them
 into their own hands. If you do not displace
 him, the people will imagine that you did not ap-
 prove these our philanthropic labours; and our ex-
 ertions will probably have been thrown away;
 which would be an irreparable misfortune to the
 cause we were so industriously promoting. But if
 you remove him for presuming to interrupt us in
 such a laudable course, it will be a warning to all
 future Governors, and teach them to shew a little
 more complaisance to the Disciples of Godwin
 ' and

† See the Pamphlet, from page 8 to 12

‡ See Mr. Thorpe's Answer to the Address from the Grand Jury of the District of London.

§ See the Pamphlet, page 8, and the Letter of Mr. Jackson, in the Appendix.

* and Paine, when they come dressed in the garb of
 * office. It will besides, shew the Colonists that
 * they, and not he, are to be looked up to with defe-
 * rence and respect. As for official documents, pay
 * no attention to them ; they are wholly unworthy
 * of credit. Every body, except ourselves, is bent
 * to deceive you. If the Governor tells you that
 * the people are peaceable and loyal, do not believe
 * him ; for notwithstanding the foolish sentiments of
 * gratitude, and old habits, which incline them so to
 * be ; it is impossible that the pains we have taken
 * to give them a contrary bias, can have been thrown
 * away !' So far my paraphrase ; which is more
 appropriate to the sentiments of the Author, than the
 language which he has thought proper to adopt. But
 to return from the Appendix to the body of the
 Work.

After the bouncing Story of the petitioning and
 imprisonment, our Author proceeds to recapitulate
 the points which he professes to have proved ; but
 as these have been already discussed, it is unneces-
 sary to go over them again. The following passage
 however, contains a new charge, and therefore re-
 quires to be noticed " Provisions, Cloathing, far-
 " ming-utensils, and every Article that the country
 " did not produce, necessary for erecting Houses
 " and Mills, was sent to establish the comfort of the
 " poor Refugee ; but used for the accommodation
 * of the rich Favorite ; or from neglect, rendered
 " useless."—Let it be remembered that the "poor
 " Refugees,"

"Refugees," as our Author is pleased to call them, were settled in this Province in the year 1784, at which time such articles as are here enumerated, were distributed among them; and they neither required, nor expected further aid of this kind. In 1792, a quantity of cloathing, farming utensils, and materials for building, were sent out from England, in the Myrtle, and Ann, for the use of sundry persons who came passengers on board these Ships, under the name of American Loyalists, with orders for them to be distributed to them upon their settling the Lands which were to be assigned them. This was complied with in every instance where the Party occupied the Lands assigned him. And this is the only case in which there has been any order for the distribution of Articles of this description, since Upper-Canada became a separate Province. The Public Stores which were sent from England by the Scipio, and Herkimer, in the same year, were of such magnitude that Lieut. Governor Simcoe did not think proper to take upon himself the responsibility of their distribution, otherwise than by ordering the issue of such as were required for the Public Service. The further distribution of these Stores, consequently waited the orders of His Majesty's Ministers, and no such orders having been received, succeeding Governors have thought proper to adopt the same conduct with regard to them which was held by General Simcoe; and in consequence, many of these Articles remain in the
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Government Store-House at York. Mill-Stones, Mill-Irons, and several other valuable articles have been issued from time to time, under the orders of the Persons administering the Government, to sundry persons upon their entering into an obligation to return articles of equal quality, or to pay the amount when demanded.—These I presume, are the “ Rich Favourites” alluded to by our Author : but of such articles, the “ *Poor-Refugee*” could make no use.

This is the real state of the case, and will suffice to shew, that the charge of the misapplication of articles intended for the Loyalists, has no better foundation than the rest of those which our Author has, with unparralleled effrontery, heaped upon the Colonial Government.

EIGHTH LETTER.

THE Indian Department, is the next object of our Author's declamatory censure. He condemns it, as useless in itself, and asserts the management of it to be such as to pervert the original purposes of its establishment. Let us examine the propriety of these allegations, and take some notice of his own scheme, relative to the Indians.

When we consider that the very large part of the American Continent, which is now covered with the habitations of Europeans and their descendants, was once inhabited by the Indian Tribes and their progenitors ; that they have been dispossessed of it, by means not always justifiable, and that many of the settlements in this Province, are in contact with these fierce Children of Nature ; we seem bound both in honour and interest, to cultivate a friendly intercourse with them, and in some measure, to contribute to their support. Agents, Interpreters, and Store-Keepers, are necessary for this purpose ; and they compose what is called the Indian Department ; a Department co-eval with our establishments in North America, and necessarily arising out of the situation of these establishments — How this Department, through which the bounty of the Government is conveyed to the Indian Nations, should

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“ become an instrument to injure and disaffect
 “ them,” is not easy to imagine ; as it is obviously
 the interest of the persons employed therein, to re-
 commend themselves to their favour. To assert
 that, “ the Articles sent as Presents to the Indians,
 “ are of such inferior quality, that they are almost
 “ worthless,” is, in the phraseology of the Indians,
 to say the thing that is not. They are generally as
 good as articles of the same denomination import-
 ed for the purposes of trade ; but were it otherwise,
 no blame is, on this account, to be imputed to the
 Colonial Government, or the Indian Department,
 who have only to distribute such articles as are sent
 them from England for this purpose. In making
 this distribution, it would create considerable ex-
 pence to send the articles to the Indians at a dis-
 tance ; but to them it is no inconvenience to be an-
 nually convened, at the principal Posts, to receive
 these Presents which they have long been accus-
 tomed to consider as pledges of friendship. The parade
 with which it is attended in such places, is also im-
 posing ; and the opportunity is usually improved to
 revive and strengthen among these various Tribes,
 by appropriate Addresses, sentiments of respect and
 friendship for the British Government. The pub-
 licity of this distribution, would also check partial-
 ity in the Agents, if any should exist ; but neither
 their interest nor their comfort, could be promoted
 by keeping any of the Indians unnecessarily about
 them. Mr. Jackson however, would make us be-

lieve, that they kept all "the young and active" constantly about them. To guard against the abuse of improvidently bartering away their Presents, there is a Law which subjects to fine and imprisonment "any person who shall purchase or receive in pledge or barter, any Clothes, Blankets, &c. belonging to any Indian or Indians within this Province."

This Department must also be considered as in part connected with the defence of the Country, and as such, used formerly to be wholly under the direction of the Commander in Chief. During the Administration of Lieutenant Governor Simcoe, His Majesty's Ministers thought proper to subject it to the management of the Lieut. Governor of the Province, and so it has continued since, subject nevertheless to the special controul of the Governor General.

The incorrect and narrow view which our Author has taken of the subject, as a question of Policy, has been suggested by the peculiar circumstances of the remnant of the Six Nation Indians who are settled in the District of Niagara; which, were it just as far as it relates to them, would be very erroneous with respect to the Western Indians, whose situation is widely different. The first are inconsiderable in point of number, and reside on a narrow Tract of Country, intermixed with and encompassed on all sides by white Inhabitants, with whose manners they are familiarized; the others composed of numerous Tribes, roving through their native and extensive

extensive Forests, and little acquainted with any white men, except the Traders who adventure among them, and the Agents and Interpreters through whom the Government holds intercourse with them. The Speeches which our Author has thought proper to publish in his Appendix, concern merely the abovementioned remnant of the Six-Nations, and originate wholly from petty cabals among themselves, in which however, as in every thing else that afforded them a prospect of doing mischief, Mr. Thorpe and Mr. Wyatt thought proper to intermeddle. To enter into a minute detail of these, would be tedious and uninteresting. But a sketch of the prominent circumstances, will probably be not unacceptable to you.

In the year 1784, General Haldimand then Governor and Commander in Chief, assigned to the Mohawks and other Indians of the Six-Nations, who had been obliged to abandon their native Seats in consequence of the American War, a Tract of Land which he had purchased from the Messissague Indians, as a place of residence to them and their posterity ; which he afterwards confirmed to them by a formal Grant.—This Tract, is situated on both sides of a River called the Grand-River, which discharges itself into Lake Erie, and comprehends about $10\frac{1}{2}$ square miles. This they accepted with the most grateful acknowledgement, & occupied for several years without any idea of disposing of any part of it. From the wide range which was afterwards opened for the

settlement of the Country by Lieut. Gov. Simcoe, Establishments came to be formed beyond this grant of Gen. Haldimand's to the Indians. Speculations in Land were at this time engaged in with great avidity by monied men in the United States, and the infection spread to this Province. The Indian Tract, being fertile and pleasantly situated, soon attracted the notice, and excited the cupidity of Speculators. They contrived to interest Captain Brant, by allowing him to participate in their profits. Through their suggestions, Councils were called; and, by the influence of Captain Brant, the Indians were induced to make formal applications to Government to sanction the sale of a considerable portion of this Tract. That the Government should hesitate at so novel a request, and pause upon the expediency of allowing this Land to be applied to a purpose so foreign to its original destination, will not be matter of surprize. Our author says it was "because it would stop patronage and plunder." But he has not condescended to explain, and I have not ingenuity enough to discover, how these are at all connected with the question. If at all connected, the permission to sell would seem to be rather more favorable to patronage, than a refusal. Be that however, as such wise heads as Mr. Jackson's may determine. The Government finally complied on condition that the money arising from the sale, should be vested in Trustees, to form a permanent Fund, of which the Indians were annually to receive the interest. It

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was obviously the wisest course for the Trustees to vest this money in the English Funds. But some time must necessarily elapse in remitting Home the money, and purchasing Stock ; and the Indians little acquainted with business of this nature, and not understanding the superior Security of the Funds, would see in this measure only a delay, and a diminution of Interest not favorable to their present advantage.

Another circumstance which occasioned no small stir among these Indians, was the rank and influence that a Mr. Norton, was to have among them. This man, a native of Scotland, had been a private soldier in one of the Regiments in Canada, from which having obtained his discharge, he went to seek distinction among the Indians. He adopted in every particular their dress, and manners, and having some education and great industry, he in a few years became master of their language, and was known among them by the name of Teyorinhokarawen. After becoming perfectly accomplished as an Indian, this man was prompted to pay a visit to London, where he passed for a native Indian ; was regarded as a prodigy ; and overwhelmed by the Nobility and Gentry with caresses, and presents.—On his return, he thought himself entitled to assume the character of an Indian Chief.—His pretensions were supported by Capt. Brant, and some others ; but opposed by a great part of the Indians, and not admitted by the Agent. Mr. Thorpe, and Mr. Wyatt, thought proper to

to countenance the opposition to the Superintendent, and Mr. Jackson has been at the pains to publish Mr. Bran's Orations* on the occasion, to support his general assertion, that "the Indian Department" "was become an instrument to injure and disaffect the Indians."

The Indian Tribes, even those who live in the midst of our settlements, have always been treated by the British Government, as independent Nations; and not considered as subject to our municipal Laws, except in the case of a Murder committed upon a white man. No race of men are more impatient of controul, or more tenacious of personal and national independence. Any interference with these, they would consider as the highest "injury"; and such interference would indeed tend to "disaffect them" effectually. Yet both must be greatly abridged before much good can be expected from any attempts to civilize them. While they continue free from the restraints of civil life, any endeavor to confer its advantages upon them will be vain. It may corrupt, but will not reclaim them. The Indian, free from the controul of our Laws, becomes depraved rather than civilized, by an acquaintance with our arts and manners. He loses what was estimable in the Savage, and has no check to the corruptions of the civilized man. And it is abundantly confirmed by experience, that those are not the most estimable among the Indians, who have had most intercourse with the Whites, even where some degree of education

* The originals have been seen in the Hand Writing of Mr. Weekes, in Mr. Norton's possession.

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has been superadded. To have the property which they now hold in common, divided, and distributed among them individually with a right of alienation ; would be, in effect, to offer such Lands as a premium to low and interested people, to encourage and minister to their intemperance and other degrading vices. The idea of subjecting them to military restraint and subordination, is too extravagant to claim a moment's attention, except from these visionaries who think that the habits and feelings of men can be moulded to their views, like wax under the plastic hand of the artist. If this idea be confined to those Indians only, who are comprehended within our settlements ; their numbers thus arrayed, would make no very formidable addition to our military force. Yet even they would spurn at any such attempt. As for the other much more numerous and formidable class, I would advise any man who would undertake to make them such a proposal, to keep well out of the reach of their Spears and Tomahawks.

Were it practicable to civilize the Indians, as some men of wiser heads and better hearts than our Author have supposed, the Fur Trade would, I allow, be comparatively a matter of very inferior regard. It is obvious however, that the avocations of civil life are incompatible with the Hunter state ; and that the latter must decline in proportion to the progress of the former. Yet Mr. Jackson holds out the continuance, and increase of this trade, as a motive for civilizing the Indians. But his speculations are generally of a peculiar cast.

Our

Our Author's spleen is next vented against the Marine Department, "which he says, was established in the infant state of the Province, because there were no roads of communication. Now to uphold and give a semblance for this expence, scarcely a passable road has been made. The system is to prevent great and general roads, for that would render the Marine unnecessary." That the cheap and expeditious mode of conveyance by water should be abandoned for the tedious and expensive transport by land, is a scheme that would do honor to the Sages of Gulliver's flying Island. A barrel of flour is conveyed by water from Niagara to Kingston, for two shillings; and from Kingston to Montreal for about 3s. 3d. To convey the same article over the Niagara Carrying Place, a distance of ten miles, costs eleven pence; and from La Chine to Montreal, which is not quite eight miles over a turnpike road, the price is a shilling. The distance from Niagara to Montreal by land, exceeds four hundred miles, and in the same proportion the transport by land would exceed forty two shillings, which is considerably more than a barrel of flour is usually worth in the Market. And besides, all the cattle and carriages in the country would not suffice to transport the quantity of flour, pork, and pot ashes, which is annually sent out of the Province, supposing it possible that they could be wholly occupied in this business. This may suffice for our Author's theory; let us now consider his facts.

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The Marine Department on the Lakes was established at the commencement of the American War, long before the settlement of this Province, and is one of the principal military defences of the country. For this purpose it is supported. The necessary transport of stores for the different Posts could certainly be done much cheaper by employing private vessels, which are now numerous. But as the Government must have armed vessels, they are of course employed in this business. As to the victualing of the troops, that has always been done from the Settlements contiguous to the respective Posts, as far as these settlements could furnish the necessary supplies; with the double view of encouraging the agriculture of the Province, and saving expence to the United Kingdom. The Provincial Government derive no patronage whatever from the Marine Department, which is wholly under the direction of the Commander in Chief.

To the Author's story respecting the Townships of Dearham and Norwich, I can give the most positive contradiction. They were indeed sold in the Council-Room; for there sealed offers from those who wished to purchase, were to be lodged; and there the lands were assigned to the highest bidder, agreeably to the tenor of the advertisement previously published in the Gazette for several months. The principal purchasers were, the Hon. Robert Hamilton, the Rev. Mr. Addison, and William Willcocks Esq. Gentlemen wholly unconnected with the Government.

vernment. The sale took place eleven years ago, when from the great scarcity of money, and great plenty of land, the price offered would naturally be low for such a quantity held up for immediate sale. A part of these lands has been sold within a few months, at private sale, for half a dollar per acre; a certain proof that their value could not have been estimated very highly at the time of the sale made of them by the Government. They produced however £.3062 5s. which was applied principally in opening a road from the town of York to the Head of the Bay of Quinty, a distance of about 100 miles. A copy of the Contract [See Appendix No. III.] for making this Road, I inclose for your perusal, together with some correspondence [See Appendix No. IV.] with the Government in 1803, respecting this Road; and you will from thence judge of the reliance to be placed on the information and veracity of a man, who does not scruple to assert, that "the money arising from the sale of these Townships has not been heard of, nor any Road established from its expenditure."

By the Laws of the Province, every Householder or Freeholder, is liable to work from 6 to 12 days on the Public Roads, and the Legislature have, at different times, granted the sum of eight thousand three hundred pounds* for opening and repairing High

* In 1804	£ 1000
1806	1600
1808	1600
1809	1600
	250 for a Bridge over the Grand River.
1810	250 for the same.
"	2000
	£.8300

Ways and building Bridges, to say nothing of the sums which have been occasionally applied to this object from the Funds of several of the Districts. If therefore the Roads are not good in some parts of the Province, it must be ascribed to the situation of the country where, what our Author calls, the great and general Roads are, in several parts, interrupted by Indian Reserves, or tracts too thinly peopled to furnish the necessary labour for removing the obstructions occasioned by the winds and luxuriant vegetation, and repairing the damages done by the rains and floods; and not to the want of attention or zeal either in the Executive Government or the Legislature, who have done every thing that was practicable towards improving the Roads.

“ A most valuable and practicable scheme for making Roads throughout the Province, was (says our Author) proposed last year to the House of Assembly, but was defeated.” This I presume alludes to a Bill of Mr. Thorpe's on the subject of Roads, which was “defeated” by its own absurdity. Though he bestowed much labour upon it, he could never reduce it to any “practicable” form. A man may declaim in high sounding phrases without being much burthened with judgement, or practical knowledge.

Among the other random charges it is stated, “that there is not a Fair or a Market established.” Now so early as the administration of Lieutenant Governor Simcoe, an annual Fair was established at

Queenston, in the District of Niagara, and since his time, public Markets have been established in the Towns of York, and Kingston. I take notice of this not as a matter of importance in itself, for in the present state of the country, there is not that regular and constant demand which is necessary to support a regular Market; but merely, as a further instance, to shew how indifferent the Author is about the truth of his assertions, when he thinks them likely to bring discredit on the Government.

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NINTH LETTER.

HAVING thus discussed with Mr. Jackson the state of the Colony, under the various heads of its Constitution and Laws, the Administration of Justice, and the other Establishments and Departments connected with the Government of it ; and also such Public Transactions as he has thought proper to notice ; and I trust satisfied you, that he has been guilty of the grossest misrepresentations, both of persons and things. Let us look a little at its Commercial situation and prospects, without giving the rein to fancy quite so much as our Author has done.

This Colony owes its origin to nobler motives than views of commercial advantage ; namely, to National Justice and Gratitude, exerted in providing for a meritorious and unfortunate class of subjects. I mean not however, hence to infer, that its commerce is not an object of importance both to its own prosperity and its value to the United Kingdom.

Whatever mineral treasures it may be supposed to possess, few or no discoveries of this kind of any consequence, have yet been made ; and from the want of capital, and the high price of labour, could be of no present advantage if they had. There is but one inconsiderable Iron-work in the Province, for even Iron can be imported cheaper than it can be manufactured.

tured. Leaving therefore to posterity to explore these hidden sources of wealth, our present commercial speculations must be confined to our provisions, potashes, and timber. I do not mention the fur trade, because it existed long before the settlement of this Province, and has been diminished rather than promoted by such settlement, and is still principally carried on from Lower Canada. The Lakes and River St. Lawrence, furnish the means of transporting with great facility these bulky articles to the sea-ports of Lower Canada, and some improvements have been made in the rapid and shallow parts of this noble river, to render its navigation more easy. In the first years after the settlement of the colony, every attention was paid by the Government to encourage the exertions of the Colonists, by purchasing for the use of the Troops, at a price much above what they could have obtained in the markets of Lower Canada, all the flour, pork and peas they had to spare, as far as the consumption of their military establishments extended. When this was provided for, and there was a surplus for exportation, they were accommodated with transport in the King's vessels and boats, at little or no expence, until after other means of conveyance were sufficiently multiplied. Our exports of provisions will of course increase with the increasing population of the country; and our Forests afford a supply of timber for ship building and other necessary purposes, that will not soon be exhausted. This article, valuable in itself, is sometimes made a vehicle

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cle for the transport of others ; and we not unfre-
 quently see wheat, flour, and pot ashes conveyed to
 Montreal on rafts of timber, staves and plank. With
 respect to the articles of pitch, tar, turpentine, and
 hemp, there is little to warrant our Author's sanguine
 expectations. That species of Pine from which pitch
 and tar is extracted, is not often met with in the coun-
 try ; and from the following account of the measures
 which have been taken to encourage the growth of
 hemp, and the present state of the culture of that va-
 luable article, you will be satisfied, as well of the in-
 justice of our Author's censure of the Colonial Go-
 vernment for neglecting it, as of his own self-delusi-
 on with respect to our future supplies of it. The ad-
 vantages to be derived from the culture of hemp in
 the Canadas, appear long to have attracted the atten-
 tion of His Majesty's Ministers, and they have spared
 no pains or expence in attempts to realize these ad-
 vantages. Large quantities of seed have been pur-
 chased and sent over, which was however always
 spoiled before it reached this country ; and persons
 supposed to be skilled in the culture and preparation
 of it, have been sent out to make essays, the results of
 which have not been very flattering. The subject has
 been strongly urged upon the Government of this
 Colony, and the Legislature has cordially co-operat-
 ed in promoting their views. In 1801 £.250 was
 granted for the purchase of seed, and a person dis-
 patched to the American States to procure it, and
 £.500 appropriated to be paid in premiums to the
 growers

growers of hemp, leaving them to get besides, the best price for the article in the market. In 1803 and 1804 some parcels, the growth of the Western District, were shipped to London by some of the Mercantile Gentlemen of Sandwich in that District; but the expences were so considerable as to absorb nearly the whole sum that the article sold for, and the trade in it was of course abandoned. That such a result might not discourage the growth of it, the Legislature varied their plan, and discontinuing the premium, appropriated £.1000 to be vested in the hands of Commissioners to purchase hemp from the cultivator, in parcels however small, at £.40 currency, equal to £.36 Sterling per ton. This hemp to be exported under their directions, and the proceeds accounted for and afterwards employed in the same way. In 1805, it was thought expedient to raise the price to £.50 currency, equal to £.45 Sterling per ton, and in 1808 to augment it to £.62 10s. currency, or £.56 5s. sterling. In 1807, about two tons were purchased and shipped. It sold in London at £.55 sterling per ton. But though it was transported from York to Kingston in a Government vessel, and conveyed from Kingston to La Chine in King's boats free of expence, yet the storage at Kingston cost 32s. and the storage at La Chine, cartage to Montreal, warehouse rent there, baling and shipping, cost £.13 17s. 6d. making together £.15 9s. 6d. currency, or £.13 8s. 7d. sterling. The account sales in London gave £.49 10s. 10d. as the proceeds of this parcel, from which

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which deducting the charges previous to shipping, there would remain to the Province £.35 12s. 3d. sterling, or £39 11s. 4d. currency for these two tons of hemp; and had it been subject to the ordinary expence of transport over the Lake, and down the River, it would be reduced to about £20 currency. In 1808, somewhat more than two tons were shipped, and in 1809, a quantity still something greater; but though it is known that a higher price was obtained for these than for the first parcels, the accounts sales of them have not yet been received. The whole of these parcels, except the trifling quantity of 72 lbs. purchased in the Midland District, was furnished by the Settlements in the neighbourhood of York. Had any been sent from the Western District, the expence attending it would have been considerably more: but in this District, which is supposed the most favourable of any for the growth of this plant, there has been for some years a Rope Walk established, the proprietors of which, though they pay the same price that is offered by the Commissioners, complain that they cannot procure a sufficient quantity to keep their workmen employed.

If these details do not encourage very sanguine expectations that hemp will become one of the staple commodities of the Country, they shew at least, that the Provincial Government and Legislature, have done every thing that was practicable to encourage the production of it.

What further aid it could derive from an Agricul-

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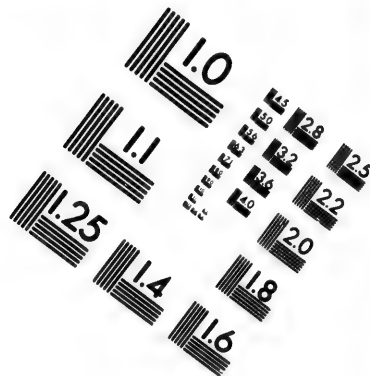
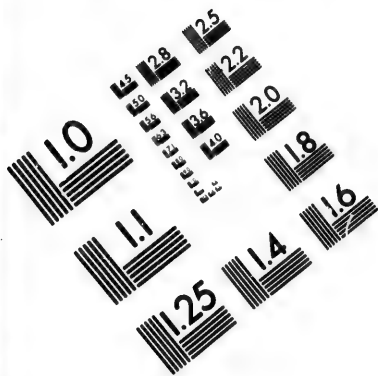
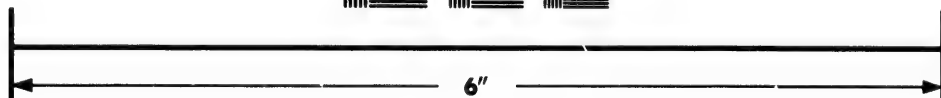
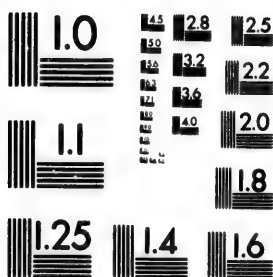


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rural Society, is not obvious ; and at all events, the country is yet too young for such Societies. That class of men who have time and money to devote to such public spirited institutions, is not yet sufficiently numerous ; and there could be little scope for the improvements which such a Society might suggest, in a country where the best cultivated grounds are hardly yet cleared of their timber ; where labour is more requisite than skill ; and where the cultivator having no rents to pay, is not urged by necessity to change his accustomed modes of tillage, for others held out to him as more productive. A Society under this name, was formed many years ago in the District of Niagara, and exists there still, for convivial purposes ; but has always been compleatly inefficient as to the professed object of its institution. An Agricultural Society was also formed many years ago in Lower Canada, under the patronage of Lord Dorchester ; but after a year or two, their meetings were discontinued, and the Society was heard of no more. It is not surprising therefore, that the one formed under the auspices of Mr. Thorpe should fail. And it is unjust to ascribe its failure to the interference of Government. It certainly met with no opposition ; for though some jealousy may have been entertained respecting the views of its founder ; many of the most respectable names in the Province were enrolled as its members. How it was to be concerned in the storage of flour, it is not easy to comprehend, unless it became a Trading Company.

I do not mean to say that the Colony is not susceptible of great improvements; but these can only be the work of time, and must result from an increase of population and Capital. There is certainly nothing in the construction or administration of its Government to retard, but much to promote this progress; and when it is considered, that twenty-six years ago, the whole country was a wilderness, it will be matter of surprize, that so much has been already done, rather than that we are not yet in possession of all the facilities of communication, and other advantages of an old and populous Country.

I have been a resident in this country before there was a human habitation within the limits of what is now the Province of Upper Canada, except the moveable hut of the wandering Savage, or the solitary establishment of the Trader in Furs. I have seen this wilderness in the course of a few years, converted into fruitful fields, and covered with comfortable habitations. I see around me thousands, who without any other funds than their personal labour, began to denude the soil of its primaeval forests, in possession of extensive and well cultivated farms, and abounding in all the substantial comforts of life. I see this property unincumbered with feudal burdens, undiminished by quit-rents or taxes, guarded by the wisest laws, equally and impartially administered. I see the proprietor himself protected from vexatious arrest or arbitrary imprisonment. I have seen the benevolent intentions of the British Government to-

wards the Colony, exemplified in every measure that could tend to promote its prosperity ; and crowned, by imparting to it, its own unrivalled constitution, as far as it was practicable to impart it to a dependant Province. I have seen the foundations laid of institutions and establishments for the promoting of knowledge, and diffusing religious instruction, which however weak and humble in their present state, will “ grow” “ with our growth, and strengthen with our strength.” This is a scene on which the benevolent mind must dwell with peculiar complacency ; and amidst the cares and toils of his eventful Reign, it must gladden the heart of our venerable Sovereign to know, that his paternal care of his loyal American subjects, settled in this remote corner of his Empire, has been crowned with such compleat success. It is indeed proper that inquiry should be occasionally instituted by the Imperial Government into the state of its distant dependencies. But if their importance were estimated by the relative portion of happiness they afforded to their respective inhabitants, they would find none among them of greater value than Upper Canada.

If faction, like jealousy, did not “ make the food “ it feeds on,” this country would afford little scope for the seditious exertions of a Weekes, a Thorpe, a Jackson, or a Willcocks. Let it not be supposed however, that the influence of these worthies is very extensive. In every society there will unfortunately be some discontented spirits, who are not to be satisfied

fied with any possible state of things. But the good sense and loyalty of the people at large, are not to be imposed upon, or shaken by their false assertions, or malicious misrepresentations.

You may pretty well appreciate the value of Mr. Jackson's investigations from these Letters. The inclosed transcript from the proceedings of the House of Assembly, [*See Appendix No. V.*] will shew you the estimation in which his Pamphlet is held here. Even Mr. Willcocks himself, stood aghast at its impudent falsehoods, and however reluctantly, added his voice to that of the other Representatives of the People, to stigmatize it as a false, scandalous, and seditious libel. Could it indeed be true that, after all the Benefits conferred upon them, the people of this Colony "viewed with delight the prospect of "hostilities with America, in the hope of being freed "from the Government of Great Britain," they must be Monsters of ingratitude, the veriest Outcasts of human nature.

APPENDIX.

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APPENDIX.

No. I.



*The following Address and Answer, are copied from the
Upper Canada Gazette of the 25th October, 1806.*

TO THE HONORABLE MR. JUSTICE THORPE.

WE the Grand Jury of the District of London, request your acceptance of our warmest thanks for your excellent Charge to us at this Assizes. We retain its impressions as a lesson of advantage to ourselves and of benefit to the Public, and we flatter ourselves that in adhering to its import, party animosity will, throughout this District, yield to a general desire of social order and public tranquillity. It has afforded us infinite pleasure to observe, in the exercise of your high and important authority, that the character of the Judge suffers no abasement from an amenity of manners ; and that the soothing monition of the Court produces a more sudden effect in reconciling the differences of the Community, than a rigorous application of the Law, or crude and ill digested efforts, to inflict an exemplary punishment. We learn with much gratification that our Sovereign has been pleased to appoint a Civil Governor to this Province, and we hope under his Administration, such change of measures will take place, as may tend to bury in oblivion the remembrance of proceedings, heretofore sanctioned by authority, and yet no less derogatory to the prerogative of the Crown than invasive of the privileges of the Subject. We entreat
you

you to lay before his Excellency such of those Acts as have come within your knowledge, with our earnest expectations that on his Excellency's consideration of them, Justice will extend its influence pure and unmixed even to this remote part of his Majesty's dominions, and that all descriptions of his People will impartially enjoy the vigor and perfection of a happy Constitution. We beg you will also accept of our warmest wishes for your health, and safe return to your family.

We have the honor to be,
your Honor's
most obedient and
very humble Servants,

In behalf of the Grand Jury,
JONATHAN WILLIAMS,
Foreman.

(Signed)
Grand Jury Room, 17th }
September, 1866.

To the GRAND JURY of the LONDON DISTRICT.

GENTLEMEN,

TO be the humble instrument of restoring harmony and happiness to your District, is an excess of gratification.

The art of governing is a difficult science, knowledge is not intuitive, and the days of inspiration have passed away; therefore, when there was neither talent, education, information, or even manner in the administration, little could be expected, and nothing was produced; but there is an ultimate point of depression as well as of exaltation, from whence all human affairs naturally advance, or recede, therefore proportionate to your depression, we may expect your progress in prosperity will advance with accelerated velocity.

I shall lay before the Governor every thing you
desire,

desire, and I have not the slightest doubt but that I shall find in him such power of mind, such political acquirements, such official habits, and such good dispositions as are fitted to make an infant Province a pre-eminent State wealthy and powerful, abounding in blessings to its inhabitants, and valuable to that great Empire from which we receive every thing estimable, and to which we are anxious to make the most grateful return.

I am, Gentlemen, very truly,
your obliged obedient and
very humble Servant,
(Signed) ROBERT THORPE.
(A true Copy.)

No. II.



The following Address and Answer, are copied from the Upper Canada Guardian, or Freeman's Journal, of August 6th, 1807.

At a Meeting of the Independent Electors for the County of York, Durham and Simcoe, held at the Town of York, July 24th, 1807; the following Address to the Honorable Judge Thorpe, was unanimously agreed to.

Mr. JOSEPH SHEPHERD in the Chair.

RESPECTED SIR,

WITH unfeigned sorrow we learn that orders have been given to leave your name out of the Commission of Assize; by this the Eastern part of the Province will be deprived of the instructive Lessons flowing from

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from your mouth while presiding on the Seat of Justice ; these philanthropic instructions which raised you so high in the esteem of our Western Bretheren, and from which we have received the most essential Benefit. By this we fear you will consequently be deprived of its attendant Salary. But for this temporary evil, there is a remedy provided, and as an earnest of our attachment to a person actuated by such disinterested and virtuous principles, we humbly request you to accept a sum adequate to that which you lose by espousing our cause, and exerting your noblest powers in asserting the rights and defending the privileges which are allowed us by our most amiable and truly beloved Sovereign. As we His Majesty's loyal Subjects, have not received any information for what cause, or reason, such orders have been issued, we think it our duty further to assure you, that if any attempt should be made to take away or lessen your income, we shall willingly contribute (and we are convinced that His Majesty's subjects throughout the Province will coincide) to alleviate the sufferings of you our benefactor, *who have since the moment you landed in our Province, laboured with indefatigable exertions to establish in this distant part of His Majesty's dominions, the Constitution and Laws of our Mother Country,* we earnestly entreat that nothing may tempt you to leave us, as our dependance is placed on your uprightness and perseverance. We beg leave to offer you the warmest assurance of our regard, and to implore you to guard against any insidious attacks, for in a private as well as public situation your life is most valuable.

(Signed)

ALEXANDER MONTGOMERY, Secretary.

To which his Honor was pleased to return the following Answer :

GENTLEMEN;

GENTLEMEN,

I MUST be void of feeling to be insensible to this kindness. I thank you from my heart ; but the Oath prescribed for a Judge, precludes the possibility of my accepting your liberal present. I was informed by the Chief Justice, that the Lieutenant Governor had directed my name to be omitted in the Commission of Assize. By what legitimate authority such an unprecedented power could be exercised, will be for His Majesty's Minister's to determine. To me it is of little consequence ; but through me, the rights of the Justices of the Court of King's Bench are effected. When first honored with a Seat on that Bench, the Judges voluntarily became sponsors for my acquirements. Since I attained that appointment (now about five years) a decision of mine never has been reversed, nor have I ever presided in any Court without receiving the warmest declarations of public satisfaction. My conduct has been approved of by the Secretary of State, and my labours rewarded by my Sovereign. These, (with the flattering expectation that I possess the confidence of the Province,) are the proud circumstances on which I rest—the high ground on which I am elevated above the reach of detraction.

I will continue my exertions until you obtain every immunity our munificent Monarch directed, and every privilege the British Parliament bestowed. I pledge myself for their rapid approach ; anticipate the arrival. Let us constantly unite hand and heart, with a firm determination to stand or fall with Great Britain ; it is wisdom, it is virtue, it is security and glory.

I am, Gentlemen,

Springfield, your very truly obliged, and
Aug. 1st, 1807. obedient humble Servant,

(Signed)

Mr. J. Sheppard, ROBERT THORPE.

Yonge Street. (A true Copy.)

No. III.



THIS Agreement made at York, in the Home District of the Province of Upper Canada, this thirteenth day of April, in the year of our Lord one thousand seven hundred and ninety-nine, and in the thirty ninth year of the reign of our Sovereign Lord George the Third, King of Great Britain, &c. between John Small of the said Town of York, Esqr. Clerk of His Majesty's Executive Council, for that purpose authorized and appointed by and on the part and behalf of the Government of the said Province, and Asa Danforth, of the Township of Hal-
 dimand, in the Home District of the said Province, **WITNESSETH**, That the said Asa Danforth for himself, his Executors, Administrators and Assigns, for the consideration hereinafter mentioned, to be paid by the said John Small, his Executors, Administrators, or Assigns, hath covenanted, promised and agreed, and doth hereby covenant, promise and agree to and with the said John Small, his Executors, Administrators and Assigns, that he the said Asa Danforth, his Executors, Administrators, or Assigns, shall and will lay open and clear of obstruction or impediment, a road or common highway in manner and form herein after described, as the same shall be surveyed, traced, and marked by and at the expence of the Government of the said Province, from the said Town of York, in the said District, to the mouth of the River Trent; in or near the Bay of Quinty, in the County of Northumberland, and Midland District of the said Province: And that the said Asa Danforth, his Executors, Administrators, or Assigns, shall and will make, construct, build, and completely finish, after the manner herein after mentioned, brid-

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ges over all and every the creeks and water courses crossing the same, or wheresoever it may be necessary for perfecting and complearing the said road or common high way ; so that the same shall be free for the passing and repassing of all and every His Majesty's liege subjects, with their cattle and carriages, to and from the said Town of York, to the said River Trent, going and coming, on or before the first day of July, which will be in the year of our Lord one thousand eight hundred.

And the said Asa Danforth doth for himself, his Executors, Administrators, and Assigns, further covenant, promise and agree to and with the said John Small, his Executors, Administrators and Assigns, that the said road or common high way shall be opened and cleared, throughout, thirty-three feet wide, and that sixteen feet and an half of the said thirty-three feet, shall be cut smooth and even with the ground, and as nearly equidistant from the sides of the said road as circumstances and the nature of the ground will allow : And that the bridges to be built over all and every the creeks and water courses crossing the said road, or wheresoever the perfecting and complearing the said road may require them, and the causeways where necessary, shall be sound and substantial, with their abutments and string-pieces high enough to prevent the water taking off the covering : And that the said bridges and causeways shall be sixteen feet and an half wide : And that all precipices, steeps, and sudden descents, at or leading to creeks, water courses, ravines, or hollow places, shall be made safe, gradual and easy ; and of sufficient breadth for a sleigh or carriage to pass.

And the said Asa Danforth doth for himself, his Executors, Administrators and Assigns, covenant, promise and agree to and with the said John Small, his Executors, Administrators and assigns, that the
said

said road, bridges, and causeways, lying and being between the said Town of York and Smith's Creek, in the Township of Hope, shall be compleated in manner and form as above mentioned, so that all His Majesty's liege subjects shall and may pass and repass with their cattle and carriages, on or before the first day of January next, which will be in the year of our Lord one thousand eight hundred.

And the said John Small for himself, his Executors, Administrators, and Assigns, doth hereby undertake, promise, and agree to pay to the said Asa Danforth, his Executors, Administrators, or Assigns, for cutting and clearing the said road, and making bridges and causeways in manner aforesaid, the sum of twenty-two dollars and an half (being equal to five pounds twelve shillings and six pence, lawful money of this Province) for every twenty chains of road; (being after the rate or proportion of twenty-two dollars and an half for an acre) and that when the said Asa Danforth hath cleared and compleated with bridges and causeways, in manner aforesaid, a distance of ten miles, and the same shall be inspected and approved by a person nominated and paid by and on the part of the Executive Government of the said Province, the said John Small, his Executors, Administrators, or Assigns, shall and will pay to the said Asa Danforth, his Executors, Administrators, or Assigns, for five miles of the said road, at and after the said rate and proportion of twenty-two dollars and an half for twenty chains. And that when twenty miles shall have been compleated with bridges and causeways as aforesaid, and inspected and approved as aforesaid, he the said John Small, his Executors, Administrators, or Assigns, shall and will pay the said Asa Danforth, his Executors, Administrators, or Assigns, for ten miles of the said road, at and after the rate and proportion aforesaid: And that when the
said

said road with bridges and causeways as aforesaid, shall be opened and compleated from the said Town of York to Smith's Creek, as aforesaid, he the said John Small, his Executors, Administrators, or Assigns, shall and will pay to the said Asa Danforth, his Executors, Administrators, or Assigns, such a sum of money as one half of the said distance shall amount to, at and after the rate or proportion of twenty-two dollars and an half for twenty chains as aforesaid.

And for the true and faithful performance of this Agreement, respectively, the said John Small, and Asa Danforth do hereby bind themselves, their Executors, Administrators, and Assigns, each to the other, in the penal sum of five thousand pounds, Provincial Currency, firmly by these presents.

(Signed) ASA DANFORTH, (L. S.)

(Signed) JOHN SMALL, (L. S.)

In Witness whereof, the said Parties have hereunto set their Hands and Seals the day and year above written, and delivered the same in the presence of

(Signed) ALEXR. Mc. NABB,

(A true Copy.)

JOHN SMALL,

Clerk of the Executive Council.

No. IV.

The following observations on the Road, opened by Danforth, were addressed to Lieut. Governor Hunter, in answer to some inquiries made by him respecting it.

FROM York to the River Rouge, 18 miles, the Road is very good. The Bridge over this River is in

in very bad order, and there is a hill on each side, that it is difficult to get up and down with a Carriage. From hence to the settlements in the Township of Hope is 40 miles. In this space there is a considerable quantity of fallen Timber, which has been accumulating since the Road was first opened, and in two or three places the Road is entirely filled up with Trees, which the Settlers have cut down without deigning to clear a passage through them. In some places too, the small Brush and Brambles have grown up so much, as almost to make it impassable. One or two Bridges have been carried away, and in some places, Causeways will be wanted. When you come to the Township of Hope, the Inhabitants are sufficiently numerous to keep the Roads in good repair, and you have as good travelling from thence to Kingston, as you generally meet with in other parts of the Province. My experience leads me to believe that an active and intelligent Overseer, would make all the necessary repairs, and remove the obstructions for a Sum not exceeding fifty Pounds, except the Bridge over the River Rouge, which would alone require that sum or more. March, 1803.

To the above, the following answer was given by
Lieut. Col. Green, the Governor's Secretary.

" I HAVE the pleasure to inform you, that the Lt. Governor having had under consideration, your remarks on the Road to Kingston, has given directions for making the communication in question, passable. Smith the Carpenter is employed to build a Bridge over the River Rouge."

No. V.



Extract from the minutes of the proceedings in the House of Assembly, 10th March, 1810.

THE House went into the order of the day for taking into consideration a motion made yesterday by Mr. C Willson, seconded by Mr. M'Nabb, that the House do resolve, that the Pamphlet entitled, "A view of the Province of Upper Canada" signed John Mills Jackson, contains a false, scandalous, and seditious LIBEL; comprising expressions of the most unexampled insolence, and contumely towards His Majesty's Government of this Province, the grossest aspersions upon the House of Assembly, the Courts of Justice therein, and the Officers of the Civil Establishment of the said Government, and most manifestly tending to alienate the affections of the People from His Majesty's Government of this Province; to withdraw them from their obedience to the Laws of the Country, and to excite them to insurrection.

The House unanimously resolved the same.

Mr. Gough moved, seconded by Mr. M'Nabb, that the House do present an Address to His Excellency the Lieutenant Governor, expressive of its abhorrence and detestation of an infamous and seditious Libel, signed John Mills Jackson, and that Messrs C. Willson, M'Lean, and M'Gregor, be a select Committee to draft the same.

Which was ordered accordingly.

Mr. C. Willson, seconded by Mr Gough, moved, that the Pamphlet entitled, "A View of the Province

vince of Upper Canada" signed John Mills Jackson, be preserved amongst the Records of this House.

The House unanimously ordered the same.

Mr Gough then moved, seconded by Mr. C. Willson, that the names of the Members present be taken down.

The names of the Members present were accordingly taken down, and are as follow :

The Speaker,

James M'Nabb,
Stephen Burrett,
Henry Marcle,
J. B. Baby,
Allan M'Lean,
Phillip Sovereign,
T. B. Gough,
Peter Howard,
John Willson,

Joseph Willcocks,
D. M. G. Rogers,
Thomas Frazer,
Matthew Elliott,
David Secord,
Levi Lewis,
John M'Gregor,
and
Crowell Willson, Esqrs.

York, Upper Canada, 11th March, 1810.

And grounded on these Resolutions, the following Address was presented on the 12th Instant, to His Excellency the Lieutenant Governor.

To His Excellency FRANCIS GORE, Esquire, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE His Majesty's dutiful and Loyal Subjects, the Commons of Upper Canada in Parliament Assembled ; beg leave to assure your Excellency of our approbation of your Excellency's Administration of the Government of this Province, which since your arrival among us, has increased in Wealth, Prosperity, and Commerce, far exceeding our most sanguine

sanguine expectations, aided by your wise and liberal exertions to promote the same

WE should not intrude on your Excellency at this time, to express the general sentiment of the People of this Province, did we not feel ourselves called upon and impelled by a sense of that duty which we owe to our Constituents, His Majesty's Loyal Subjects of this Province; to you, Sir, as administering the Government thereof; and to that August Sovereign, whom we revere as the Father of His People; only to express our abhorrence and indignation at a Pamphlet now before us, addressed to the King, Lords, and Commons of the United Kingdom of Great Britain and Ireland, containing in almost every page, the most gross and false aspersions on your Excellency, and His Majesty's Executive Government, the House of Assembly, and the Loyal Inhabitants of this Province; under the signature of JOHN MILLS JACKSON, tending to misrepresent a brave and loyal portion of His Majesty's Subjects.

The Commons of Upper Canada, as the Organ of the People, consider the Author and the Publisher of such false and libellous Pamphlet, as a Character endeavoring to alienate the minds of the unwary, from His Majesty's Government; and to diminish the Parental affection of His Majesty to his Liege Subjects in this Province; which with gratitude, we proudly acknowledge to have experienced an ample and abundant share of.

In addressing your Excellency, we feel a satisfaction in repeating our approbation of your Excellency's Administration of this Government, without entering into details which would exceed the bounds of an Address.

We humbly request your Excellency will be pleased to represent us to His Majesty, in our true Character,

Character, as Loyal Subjects, to remove any impression which such Libel may have made, or might make under such imputation,

(Signed) SAML. STREET, Speaker.

Commons House of Assembly,

12th March, 1810.



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